

1 The Myths and Realities of Being a Lawyer

Many students interested in the legal profession simply do not know what lawyers do or what they represent to American society. Regardless of how they are perceived, it is difficult to dispute that lawyers can be a positive good for society because they are public servants who make enduring contributions to the law's development and they advance community and client interests. One practitioner with fifty years of experience explained that his first attraction and ultimate love affair with the law was grounded in his respect for "the crucial role lawyers have played in creating and shaping our nation" because attorneys "had unique abilities to help those in crisis and to ensure that equal justice and fairness were more than abstract principles." With their specialized understanding of the law and its impact, lawyers remain at the forefront of making important legal and political changes to American society. As examples, the practitioner praised "the lawyers who spearheaded the landmark case of *Brown v. Board of Education* (1954)," which broke down racial barriers by integrating public schools. He also admired "the exploits of Clarence Darrow, [a] courageous defender of unpopular persons and causes." Darrow was a special inspiration because he represented a high school science teacher who was prosecuted for teaching evolution in the famous Scopes Monkey Trial, among others. For this practitioner and surely for others like him, lawyers like these are simply the unsung heroes of American society.¹

Envisioning lawyers as virtuous and impartial advocates of truth and justice is infused into American popular culture. Especially since the mid 1950s, the stories that surround fictional and nonfictional lawyer heroes like Atticus Finch (from the book and film *To Kill a Mockingbird*), Perry Mason (from the TV show *Perry Mason*), and F. Lee Bailey (a famous trial lawyer) reinforce the impression that attorneys selflessly represent idealistic notions of equality, fairness, and justice.² While scholars observe that lawyers were never very popular figures in early English or American history,³ in the 1830s the French philosopher Alexis de Tocqueville countered that lawyers, judges, and the legal profession in general were critical to sustaining the political values underlying democratic governance and individual liberties. Fearful of the negative implications of popular majority rule, Tocqueville reasoned that an active, and educated, elite lawyer class was a crucial counterweight to the ill effects of unrestrained democratic rule and repressive public opinion. In particular, lawyers prevented ordinary citizens from becoming too detached from communal life, which ran the risk of allowing government to step into civil affairs more aggressively and therefore threaten personal freedoms. In his famous *Democracy in America* exposition, Tocqueville concluded that judges were virtuous

political statesmen and that lawyers, as a class, are uniquely equipped to perform public service because of their specialized knowledge of the law.⁴

In spite of Tocqueville's teachings, many critics today are quick to point out that the legal profession is in crisis.⁵ Public opinion polls are cited to show that not too many citizens believe that lawyers contribute much to society.⁶ Underlying the poll results are a litany of common complaints made by legal scholars and practitioners in the field: (1) law school tuition is skyrocketing, and law school costs too much to attend; (2) many students struggle to find a job and pay down hundreds of thousands of dollars of unsustainable student loan debt after they graduate; (3) law school education is flawed because it does not adequately teach clinical skills, and it is poor preparation for students seeking to compete in an increasingly globalized and technologically sophisticated work space; (4) the legal profession is homogeneous, elitist, and stratified into the haves and the have-nots, with little diversity; (5) most private law practice, especially in what is pejoratively known as Big Law, is driven by profit, and it has become more of a business and less of a profession; and (6) as an educational investment, a law degree is simply not worth it.⁷ Law professor Deborah L. Rhode thus flatly declares that the legal profession is in steep decline in many critical areas of legal education, law practice, and professional regulation.⁸

This book explores some of these criticisms in an effort to separate fact from fiction and to dispel some of the common misconceptions surrounding the American legal profession. It does so by offering a condensed version of the nuts and bolts of the American legal profession. After discussing some of the common myths surrounding lawyers and legal practice, it supplies key information about the prelaw admission process. Thereafter, it turns to explaining the challenges that law school students face not only in law school but also after they pass the bar and endeavor to secure employment in the attempt to practice law. A final consideration is to analyze where the legal profession is headed in the twenty-first century, amid the oft repeated clarion call for reform. A full understanding of what the realities are in the legal profession, though, requires deconstructing some of the most prevalent misconceptions about lawyers and the legal profession.

THE TRIAL LAWYER MYTH

Popular renditions of lawyers portray them as always discovering the truth and achieving justice through courtroom trials in perpetually interesting and controversial cases.⁹ In part, the perception flows from the folksy homespun image of a lawyer's professional identity. The homespun image is inspired by Harper Lee's portrayal of model country lawyer Atticus Finch in her famous *To Kill a Mockingbird* (1962). This archetype, which commands respect and community veneration, depicts lawyers as consummate professionals who are selfless, civic minded, and fierce advocates not only of the rule of law but also of clients' interests. Undeterred by popular passions and causes, Atticus Finch-type lawyers exercise the independent judgment that makes them specially qualified to perform their lawyer role with dignity and honor, a trait that makes them an attractive resource to handle difficult problems or cases in times of legal trouble.¹⁰

Especially in older films, lawyers are similarly portrayed as the main protagonist in courtroom dramas that register their willingness to come to the "defense of

the downtrodden,” which is also part of their unwavering commitment to “batting for civil liberties, or single-handedly preventing injustice.”¹¹ This image of the gallant public servant, which some scholars link to the proprietary advocacy interests of the American Bar Association,¹² is reinforced by traditional media and real-life examples. In the film version of *To Kill a Mockingbird*, country lawyer Atticus Finch zealously defends and protects the dignity of a poor black man who is wrongly accused of raping a young white woman in a southern Alabama town during the Depression. After he saves his client from a lynch mob and displays his remarkable talents as a trial lawyer in a packed courtroom, an all-white jury disregards the evidence that Finch has skillfully presented and convicts the black defendant, who is later killed when he tries to escape. As the story unfolds, Finch shows another side to his character after he chooses to cover up the truth about who killed the young white woman’s father, who was trying to harm Finch’s children after the trial. As a result, in taking on the case, Finch takes many professional risks that place him and his family in mortal danger; and, in covering up the truth about who killed the white girl’s father, Finch shows another side of his humanity by making a complex moral judgment that it is better to protect the real killer, or “mockingbird” (Boo Radley), whose life would be destroyed if he were criminally prosecuted in trying to help protect Finch’s children.¹³

At times, the Atticus Finch portrayal of lawyers and the legal system is illustrated and reinforced by parallel real-life dramas. In *Powell v. Alabama* (1932), the Supreme Court ruled that the Constitution and its principle of having a fair trial require that defendants must have counsel appointed for them in cases involving the imposition of capital punishment. Roughly thirty years later, in *Gideon v. Wainwright* (1963), the Supreme Court built upon the *Powell* precedent by expanding the Sixth Amendment right to have appointed counsel for indigent defendants who need it in all state capital and noncapital prosecutions. In addition, today there are many “unsung heroes in law offices everywhere working competently for ordinary modest fees,” as well as “numerous lawyers serving *pro bono* in public interest cases or volunteering in clinics” or otherwise engaged in modest-paying government jobs in order to enforce environmental protection laws or worker safety.¹⁴ Still, while much of this under-the-radar work may go unnoticed or even unappreciated by the public, the popular conception that many lawyers live their professional lives in courtroom dramas by arguing cases as trial counsel is an oversimplification of reality.

The Reality

The country lawyer archetype is a distortion of reality because it portrays the lawyer-ing “as we wish it really was and as it sometimes, though rarely, really is.”¹⁵ Although the popular images of what lawyers do are shaped through a variety of media formats (e.g., prime-time television, movies, news outlets, best-selling books, and stand-up comedy or lawyer jokes), clearly the images that are being sent are exaggerated and oftentimes misleading.¹⁶ While the public image of the law and legal profession was quite positive during what some describe as the golden age of the legal profession in film in the 1960s,¹⁷ both historical and contemporary descriptions of attorneys consistently characterize them as pejorative “banditti, as blood-suckers, as pick-pockets, as wind-bags, as smooth-tongued rogues”¹⁸; or as “money-hungry” “boozed-out,” “burned-out,” “incompetent,” “unethical sleazebags” who are deceitful tricksters,

or shysters.¹⁹ In fact, lawyers have never been popular as a group. In colonial times, the perception that attorneys were predators led to denunciations that they were “cursed Hungry Caterpillars [who charge] fees that eat out the very bowels of [the] Commonwealth.” In many ways, that depiction of the attorney role still resonates today with misplaced criticisms that lawyers are predominantly arrogant, greedy, and egotistical single-minded seekers of lawsuit profits, a portrayal captured in films like *The Devil’s Advocate* (with Keanu Reeves and Al Pacino, the latter of whom plays Satan) and *The Verdict* (with Paul Newman depicting an alcoholic and ethically challenged ambulance chaser pitted against a slick and duplicitous opponent from a big law firm), among others.²⁰

While many citizens are satisfied and respect the performance of their own respective lawyers, when the public evaluates the legal profession as a whole, a more negative picture emerges.²¹ Lawyers thus become easy targets and scapegoats for blame because it is difficult to disassociate them from the dim view the public has about the nature and operation of the adversary legal system.²² From the public’s perspective, lawyers are often criticized for being greedy, dishonest, uncivil, arrogant, and neglectful of client needs. This assessment puts lawyers in a bad light because they overcharge for services that could be done by laymen; they use their legal knowledge to free unpopular clients who ought to be held criminally responsible for their actions; they financially or professionally capitalize on representing clients facing the worst sort of legal difficulties, including personal injuries, bankruptcies, divorce, or contract disputes; or they contribute to the problems of delay and expense that are commonly associated with an overburdened adversary litigation process that can only deliver legal services to the rich.²³ The notion that there are too many lawyers and that they overlitigate to harm the nation’s economy is reported by public opinion polls and conservative interest groups or politicians that blame trial lawyers for abusing the tort system by filing frivolous and class action lawsuits, among other things.²⁴ For these reasons and others, “It’s almost impossible to go too far when it comes to demonizing lawyers,” in part because many of the “perceived abuses [are being committed] by other people’s lawyers and a system that fails to correct those abuses.”²⁵

Beyond their public image, the myth that attorneys primarily engage in trial work ignores the fact that most lawyers rarely step inside a courtroom and, if they do, almost all of the cases are settled well before a jury has the chance to deliberate on a verdict. The common public perceptions surrounding trial work and all it entails are simply inaccurate on a variety of levels.²⁶ While a majority of lawyers are engaged in private practice, there is little empirical evidence to show that lawyers overlitigate or abuse their responsibilities in resolving disputes.²⁷ In fact, studies have indicated that there are many psychological, financial, and time management disincentives for litigants to sue, and that most of the grievances by citizens have rarely become full-blown legal disputes that require formal action by lawyers or the legal system.²⁸

In addition, if an attorney does step inside a courtroom to try a case, workload statistics and academic studies demonstrate that presenting a case to a jury at the last stage of the judicial process is more the exception than the rule because 95 percent or more of civil and criminal cases are resolved by a negotiated settlement or plea bargain.²⁹ As a result, today many scholars depict the judicial process as an era of the

“vanishing trial,” and one that very rarely gives attorneys the opportunity to showcase their talents before a jury or a judge through a compelling oral argument.³⁰ Indeed, lawyers generally today must advance their arguments by written briefs that courts respond to by issuing summary dispositions or dismissals that forego the need for a trial. As one example, on the federal appellate level, the percentage of appeals that are terminated on their merits after an oral hearing has sharply declined over time from the mid-1980s to 2013, dropping from 56 to 18 percent of appeals.³¹ The disappearance of oral arguments and trials from the legal landscape, when combined with the increasing use of alternative dispute systems like arbitration, mediation, and the like, affords little opportunity for Atticus Finch archetype lawyers, or any other kind of attorney, to make their case in court or before a jury.³²

THE “LAW SCHOOL IS A GOOD INVESTMENT” MYTH

Census and labor statistics, plus survey data from the Pew Research Center, reinforce the positive effect that earning a professional degree has on lifetime earnings. A 2002 Census Bureau report found that persons with an advanced professional degree (in the medical or legal field) earned a yearly average of \$99,300 whereas college graduates (\$45,400), high school graduates (\$25,900), and high school dropouts (\$18,900) earned far less. Over the span of forty years, professional degree holders could thus expect to earn twice as much (\$4.4 million) as individuals who only went to college for four years (\$2.1 million). A 2013 report, published by a law professor and a finance and economics professor, estimated that law graduates would earn \$1 million more in a lifetime than others who only had a bachelor’s degree.³³ The 2011 Pew assessment had similar findings, but went further in concluding that the added value of a law degree over a forty-year work life (\$1.2 million) would most likely exceed the cost of earning it (then estimated at \$75,000 for going to law school, plus \$96,000 in lost earnings).³⁴ Moreover, for 2015, a Bureau of Labor Statistics employment projection stated that lawyers could expect to make a median average salary of \$115,820.³⁵

In light of these numbers and forecasts, it is reasonable to think that students are attracted to the law because they envision the legal profession as a stable career choice that increases the chances for achieving lifelong job security, a respectable income, and status, power, or prestige within a community. However, students with this impression often see the legal profession through the lens of popular culture, which distorts what the law is or what lawyers represent.³⁶ In essence, students of this mindset apply to law school since there is a “broad cultural mythology about lawyers—simultaneously loathed, admired, envied, and feared—[which] runs through American society, built up in history, fiction, and popular television and movies.”³⁷

With television shows like *L.A. Law* and *Boston Legal* or best-selling books such as John Grisham’s *The Firm*, it is easy for students to conclude that lawyers are rich, good-looking, and smart individuals who work in top-tier affluent law firms. These students may read newspaper stories or collect anecdotal information that suggests that corporate lawyers (those who work in what is often called Big Law) make six-figure incomes directly after graduating from law school.³⁸ As one scholar explains:

Tens of thousands of people apply to law school each year because it is an avenue to a desirable career. There is prestige attached to the status of

a lawyer. Lawyers are smart professionals who wear suits. Most lawyers earn a comfortable living, and very successful ones become wealthy. Many lawyers play leading roles in advising or managing corporations. Many public figures are lawyers. One can do good things as a lawyer—support a cause, work in public service, prosecute criminals, become a politician, serve as a judge, become a high-level government official, advocate for the poor, defend the unjustly accused. Lawyers are pillars of the community.³⁹

This portrayal of lawyering turns the legal profession into a largely win-win career strategy, with little risk and a great upside. In this regard, pursuing a law degree is an optimal career choice because it can be functionally applied to a variety of business, government, and other community settings that expand the range of employment possibilities in new and exciting ways. In short, “it is a good bet for a prestigious, lucrative career.”⁴⁰

The Reality

Students held under the sway of the American legal profession mystique are hampered in making a sound career choice because they are ignorant of what lawyers do or how much they make in a professional career.⁴¹ To the extent it exists, the societal perception that lawyers are high-status professionals who do socially meaningful work for large sums of money is deeply flawed.⁴² At least part of the misconception is explained by the type of student who is drawn to law school in the first place. Students entering into legal study share a number of “lawyer attributes,” or preexisting personality traits, that are developed in their childhood, including dominance and leadership, self-discipline, school achievement, and an affinity toward reading. Also, prelaw students have a higher-than-average socioeconomic status and tend to be proactive in their environments. Many share an aversion toward math or the hard sciences, or being subordinate or deferential. Moreover, prelaw students go into law because it provides intellectual stimulation and the best chance to earn materialistic gains or prestige. While other drivers of prelaw interest are rooted in altruism or a desire to give back to the community, scholars argue that some prelaw students perceive law school as a “residual graduate school,” or default career option that remains attractive for applicants who are uncertain about, or uncommitted to, their career path.⁴³ As one analyst quipped, law school is “the traditional default option for students with no idea what to do with their lives.”⁴⁴ This motivation is especially prevalent among the well-to-do, who choose law because it does not require any specialized training or, quite simply, they could not get into medical school or do anything else that was considered professionally respectable.⁴⁵

Other scholarship postulates there are two groups of students who vie for law school admission. Among the first group are those who express a commitment to pursuing a legal career early on. In one survey, roughly a third of law school applicants stated that they knew since childhood that they intended to go to law school after college.⁴⁶ For these students, either an interest in law was created by the experience of a defining accomplishment (like finding success in a high school mock trial exercise or a high school debate), or they grew up in a household with professionally employed parents who impressed upon them the benefits of earning a law degree. In college, these students elect a major concentration in one of the social sciences,

such as political science, prelaw, or history; but, significantly, they do so without seriously thinking about an alternative career path.⁴⁷

In contrast, another group of applicants, who represent about a third of survey respondents, make their decision to go to law school while they are undergraduates.⁴⁸ These types of applicants are susceptible to the popular imagery of media-generated attorneys or otherwise are motivated by the prospect of making money.⁴⁹ While they have a vague interest in law, either personal circumstances or prevailing marketplace conditions compel them to apply.⁵⁰ Students in this mind-set share the conventional view that law school is a “safe harbor for a poor economy,” a belief that is supported by the fact that application rates tend to rise and fall in accordance with market conditions.⁵¹ Students within this category, then, might be recent college graduates who get laid off from their jobs or who wish to escape a low-paying job or dissatisfying employment. Accordingly, a legal career is desirable because “it is perceived to be a good way to wait out a recession and retool to enter the job market with a new set of opportunities.”⁵²

Understanding the motivations for going to law school is important because students from either group may harbor the false impression that becoming a lawyer is a surefire ticket to earning professional success and a respectable standard of living. Although some students acknowledge the risk that their law career may not pan out, many others simply assume that whatever costs they expend in applying to and attending law school will eventually be absorbed or recouped over the long haul by the considerable amount of lifetime earnings they will make as a successful lawyer. Notably, this presumption is reinforced by law school deans and recruiters who maintain that obtaining a law degree is a wise educational investment that reaps significant long-term material and intangible benefits over the lifetime of a professional career.⁵³

Still, making the presumption that earning a law degree is an absolute guaranty of job security and lucrative professional success is precarious at best. Although the issue of whether law school is “worth it” as a lifetime investment remains an elusive question to answer definitively, clearly a host of personal and economic factors that are unique to the applicant ultimately shape the success or failure of a professional career path.⁵⁴ While many law graduates do indeed find professional success and satisfaction, empirical research demonstrates that for many others “law school is a very risky (and expensive) investment; [and that] it should not be entered into lightly.”⁵⁵ A number of factors, including the high cost of law school tuition, rising student loan debt, and the uncertainty of finding a job after graduating from law school, weigh heavily in the calculus of whether making an investment in the law is worth it.

THE DIVERSITY AND EGALITARIAN MYTH

The United States was founded on ideals of law and justice that are central to not only its constitutional heritage but also its cultural identity as a representative republic. Key democratic values, such as political representation, self-government by popular rule, and the separation of powers among legislative, executive, and judicial institutions, define the unique relationship that government has to individual rights in society. Among the most treasured and valued principles of this heritage of political

freedom is “equal justice under the law,” an ideal that “embellishes courthouse entrances, ceremonial occasions, and constitutional decisions” because it is “central to the legitimacy of democratic processes.”⁵⁶ Equally compelling are corresponding beliefs, norms, and expectations that all legal institutions, including lawyers, judges, and the organized bar, represent those ideals. As one legal scholar put it, the pillars at the base of the Declaration of Independence, namely equality, natural “unalienable” rights, and the consent of the governed, are fabled and ingrained truths of “all professional utterances of lawyers.”⁵⁷

It is logical to assume that because equality is a cornerstone of American governance it should extend in practice to having an equal opportunity to become part of the legal profession and the fight for justice. Indeed, this was the case early on in U.S. history even though lawyers were never particularly well liked. In the aftermath of the American Revolution, the lawyer class proliferated, in large part because the legal profession as we know it today did not exist: there were no law schools or organized bar, and the regulations governing legal practice were scant. As one legal scholar notes, by the mid-nineteenth century “every state loosened their entry requirements, and many states allowed any citizen to appear in court or practice law.”⁵⁸ Moreover, culturally law was seen as a path to social advancement and upward mobility that was, in theory, open to all. Pursuing a law degree, therefore, was part of the American Dream and “a ladder to success, financially and politically.” While race, class, and family background (and being a male) mattered, in theory “everyone had a fighting chance to succeed” in law. With few regulatory or law licensing constraints in place, formal entry into what loosely could be called an organized legal profession was relatively easy and virtually unrestricted up until the turn of the twentieth century.⁵⁹

The Reality

Today, the legal profession consists of practicing lawyers, the organized bar, the judiciary, and the legal academy. Each facet of the profession has evolved from elitist and homogeneous roots that have only slowly become more diversified by class, gender, and race over time. Early in U.S. history, bar admission standards were lax until they were tightened up by lawyer elites who began to organize into local, state, and national bar associations that were interested in keeping lawyers out of the profession instead of letting them in. The American Bar Association, formed in 1878, purported to represent all lawyers; but, in reality, it expressed the interests of a narrow set of corporate lawyers who were primarily beholden to the influence of railroads, utilities, and business interests. For the first fifty years of its existence, all of the ABA presidents and its committee membership were men and white, and most were affluent and Protestant. Indeed, for much of this time period, the organized bar directed its political efforts at retaining the influence of white Anglo-Saxon corporate lawyer elites who were increasingly threatened by an influx of immigrants that came to America during industrialization.⁶⁰

By the twentieth century, the corporate bar worked with the ABA, the Association of American Law Schools, and state and local bar associations to restrict the entry of immigrants into the profession. Industrial and urban immigrants, who were perceived as an “underclass” that threatened the bar’s “purity,” were a

competitive threat to the established elite because they used contingency fees and new advertising practices in cities to create lawsuits for the working class that undermined corporate interests and profits. As one scholar puts it, the bar thus used its influence to “keep the immigrants out of the profession, exert control over those already in, and cripple the practice and effectiveness of those who could not be kept out or thrown out.”⁶¹

The organized bar adopted several regulatory strategies to accomplish these goals. Law schools seeking ABA accreditation had to employ full-time faculty and require a college education for admission; law schools conditioned admission on English-speaking literacy skills or sponsorship from a practicing member of the bar; approvals of part-time night or commercial schools were increasingly denied; bar admission was restricted to those with citizenship and having “good” character; integrated (mandatory) bar requirements forced immigrant lawyers to join a bar association in the state they practiced in; and new ethical codes were devised to restrict ambulance-chasing activities, undesirable advertising practices, and the use of contingency fees.⁶² During this formative period of the nascent legal profession, the elite’s desire to maintain the status quo exposed the myth that anyone could be a lawyer. As one critic explains:

According to idyllic folklore, the doors of access to the legal profession always swung open to anyone stung by ambition; lawyers might prefer a restricted guild, but democratic realities required them to settle for less. But this is a half-truth, which conceals the fact that the doors to particular legal careers required keys that were distributed according to race, religion, sex, and ethnicity. In fact, what the profession settled for was much less than the folklore promised.⁶³

Notably, the difficulties nonelites had in gaining entry into the profession were also manifested by the stratification of the corporate bar in the early twentieth century: in urban areas, one segment of corporate lawyers were the elites, whereas non-privileged ethnic lawyers were designated to represent the underclass.⁶⁴ Splitting the bar into the haves and the have-nots of the profession in this fashion is a forerunner to what scholars today refer to as the two hemispheres of legal practice, where lawyer elites from the best law schools represent large corporate interests that are affluent and everybody else delivers legal services to smaller businesses, governments, and individuals who are less endowed.⁶⁵

Clearly, immigrants as well as women and people of color or different ethnicities have begun to integrate their ranks into the legal profession over the past half-century. But change has been slow in coming. To illustrate, the demographic characteristics of the state and federal courts register a professionalized (or “career”) judiciary composed of judges who are predominantly white, male, Protestant, and affluent.⁶⁶ Until the 1960s and 1970s, women constituted roughly 3 percent of lawyers who, before then, were largely relegated to practice law in less prestigious practice settings and specialty areas. Persons of color as well as ethnic minorities faced even greater constraints in trying to enter into and succeed in the legal profession. While women now represent about a third of the legal profession (and minorities

about a fifth), a variety of entrenched biases, stereotypes, and workplace structures still present the type of unique, significant, and ongoing challenges for the affected groups in their attempts to advance their careers and ultimately find professional satisfaction after graduating from law school.⁶⁷ Moreover, while one empirical study concludes that the legal profession is as diverse as other similarly prestigious (e.g., medical or dental) professions, it also finds that African Americans and Hispanic Americans are “*woefully* underrepresented in the legal profession when compared to their ratios in the U.S. population.” As well, Asian Americans are identically poorly represented in the American legal profession.⁶⁸

THE PLAN OF THE BOOK

The myths and realities just discussed are only three among a host of others that pervade the American legal profession. While the contrast between fact and fiction is often stark, an analysis of their differences should never mask the optimistic reality that many law students wind up with satisfying careers even in challenging times. After giving a brief overview of the legal profession, the next chapter addresses some of the common misconceptions about the nature of prelaw study and the process of applying to law school. For example, students interested in pursuing legal careers often believe that declaring certain majors, such as political science, is the only and perhaps best preparation for law study; or that the Law School Admission Test (LSAT), a prerequisite for applying to law school, is an examination that tests a person’s knowledge of the law. While political science majors do often apply to law school, the reality is that there is no “prelaw” course of study that best prepares students for the rigors of getting a law degree, and the LSAT is not a test that examines whether a person knows the law. In addition, Chapter 2 exposes the risk of relying too much on the *U.S. News & World Report’s* law school rankings in making application decisions and, instead, offers some guidance in preparing law school applications and determining where to send them.

In Chapter 3, some of the myths associated with legal education are discussed, including the conventional wisdom that law school actually trains lawyers to practice law. As the chapter explains, serving as an apprentice in a law office under the supervision of a licensed practitioner has largely been replaced by law school instruction through the casebook method, which teaches law students about legal doctrine in a case-dialogue, Socratic method. Some other popular beliefs—such as the preconceptions that law schools mostly offer “practice-ready” courses or that law instruction and grading is accomplished in the same type of format that students are used to in earning their undergraduate degrees—are also debunked. Additional misconceptions relating to licensing requirements and bar admissions are also analyzed and juxtaposed against the practice of law realities.

In Chapter 4, the practice of law is discussed in light of the conventional view that the law is a profession, not a business. While lawyers are most certainly licensed professionals, many reformers and critics of the legal profession argue that some of its core values, such as providing access to courts and legal services to those who need it the most, are compromised by an overarching need to make money. In this context, the business of legal practice is analyzed in terms of the legal profession’s elitism,

the growth of Big Law, and the various options lawyers have in selecting careers in different practice (and nonlegal) employment settings.

The book's concluding chapter addresses some of the major trends and reform issues that challenge the structure and integrity of the American legal profession. For numerous scholars, many of the issues, myths, and realities that are raised in the earlier chapters—among them, elitism, lack of diversity, high tuition rates, student loan debt, declining law school enrollments, inadequate legal instruction, and the difficulty of finding employment in a competitive job market—signal that the legal profession is in a state of crisis and must be reformed. Three areas of reform are discussed: (1) the legal profession's insularity and its resistance to effectuating reforming legal education and the conditions of practice, (2) the difficulties and challenges of reforming traditional legal instruction, and (3) whether the legal profession can continue to deliver legal services in a hypercompetitive and globalized marketplace in light of rapidly evolving technological changes and ongoing economic realities. These systemic issues are significant because it remains an open question as to whether the legal profession can continue to remain faithful to its professional values and ideals without taking remedial steps to reform some of its traditional regulatory structures, norms, and practices.

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WEB LINKS

- Above the Law (<http://abovethelaw.com>)
- American Bar Association (www.americanbar.org/aba.html)
- Jurist (www.jurist.org)
- Law Professor Blogs Network (www.lawprofessorblogs.com)

ENDNOTES

1. Sheldon Krantz, *The Legal Profession: What Is Wrong and How to Fix It* (New Providence, N.J.: LexisNexis, 2014), 3. See also Stephen M. Sheppard, "The American Legal Profession in the Twenty-First Century," *American Journal of Comparative Law* 62 (2014): 241–272 (arguing lawyers perform key functions and roles that are essential to American society).
2. Anthony Chase, "Lawyers and Popular Culture: A Review of Mass Media Portrayals of American Attorneys," *American Bar Foundation Research Journal* 11 (1986): 281, 284.
3. Lawrence M. Friedman, *A History of American Law*, 3rd ed. (New York, N.Y.: Touchstone, 2005), 53–59.
4. Martin Loughlin, "Judicial Independence and Judicial Review in Constitutional Democracies: A Note on Hamilton and Tocqueville," in *Effective Judicial Review: A Cornerstone of Good Governance*, ed. Christopher Forsyth, Mark Elliott, Swati Jhaveri, Michael Ramsden, and Anne Scully-Hill (New York, N.Y.: Oxford University Press, 2010), 9–18.
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