

Legal Education and the Practice of Law in the United States

- I. Training lawyers in a common law system.
 - A. Historical roots in England: The Inns of Court.
 - B. “Reading the law”/apprenticeship system in Colonial America and 19th century.

- II. Law school in the United States today: A three year graduate program leading to the juris doctor (J.D.) degree.
 - A. Background: Educational system in the U.S.: Reaching law school. (Please refer to Legal Terminology Nr. 7.)
 - B. Differences between law schools: (There are over 200 laws schools in the U.S.)
 1. Accreditation by the American Bar Association (ABA): 188 schools.
 - a. Based on professional qualifications of professors; faculty-student ratio; law library and other facilities; curriculum; bar examination pass rates; etc.
 - b. Graduates from ABA approved schools are eligible to take the bar examination in each state.
 2. Affiliation with a university.
 3. Availability of evening course of instruction.
 4. Prestige and “rankings”, i.e. U.S. News and World Report.
 5. Non-accredited schools: Generally, graduates from these schools may take the bar exam only in the state in which the school is located. (Many of these schools are in the state of California.)

- C. High costs of law school (tuition, room and board, books, supplies, insurance, etc.)
 - 1. Examples
 - University of Idaho: approx. \$35,000/yr. (residents);
Approx. \$50,000/yr. (non-residents)
 - Yale University: total estimated costs: \$80,000/yr.
 - 2. Most students rely on loans in whole or part to finance their education.
- D. Prerequisites and admissions procedure.
 - 1. Undergraduate course of study (B.A. or B.S. degree).
 - 2. Law School Admission Test (LSAT): Standardized and national examination measuring aptitude and fitness for law school.
 - 3. Law school applications:
 - a. GPA (Grade point average) and transcripts
 - b. Essays
 - c. Recommendations
 - d. Personal statement
 - e. Work experience

E. Legal education.

1. Curriculum: varies from school to school, generally:
 - a. Required courses: Civil procedure; constitutional law; contracts; torts; criminal law; property; legal research and writing; legal ethics.
 - b. Electives: administrative law; corporations; taxation; estates and trusts; environmental law; health care law; securities regulation; evidence; commercial law; international law; labor law; employment law; family law, etc.
2. Case method of instruction and Socratic method.
3. Law school emphasizes generalist approach, however, areas of concentration are possible, i.e. business enterprise; health care law; civil litigation and dispute resolution.
4. Many schools sponsor law related web sites, publish professional journals (law reviews), special interest projects, legal clinics
For example: Northwestern University has a Center on Wrongful Convictions; Rutgers Law School has a Federal Tax Law Clinic and a Child Advocacy Clinic.
5. Other legal degrees:
 - a. L.L.M. - Masters Degree in legal specialties
 - b. S.J.D. - Doctor of juridical science

III. Licensing of **attorneys**.

1. Attorneys are licensed by the individual states and licensing requirements vary.
 - a. Passing a **state bar examination** is a requirement in almost every state in addition to character and fitness qualifications
 - b. Yearly registration with fees and continuing legal education requirements.
 - c. **The American Bar Association is a voluntary legal professional organization separate from the state bar associations responsible for licensing attorneys.**

IV. The practice of law.

A. Career paths.

1. No British barrister/solicitor distinction in the United States

Barrister: Segment of the English legal profession that argues cases in the major trial courts.

Solicitor: Segment of the English legal profession that specializes in office type of legal work rather than in litigation.

2. Private practice: 74%
 - a. Sole practitioner
 - b. Law firms

3. **In-house counsel:** 8% (A lawyers who works in the legal department of a company.)
4. Government lawyers 8%
5. Public service 1%
6. Judiciary 3%

V. **Pro bono legal work:** Performing legal work without being financially compensated– not charging or accepting a fee.

VI. Legal fees

- A. “American Rule”: Attorneys fees are generally borne by each party
 1. Some statutes provide for reasonable attorneys fees to be paid to the prevailing party, i.e. civil rights actions; certain environmental claims; shareholders’ derivative suits.
 2. A court may impose fees as part of damages in certain cases or for frivolous lawsuits.
- B. Constitutional right to counsel applies only in criminal cases.
- C. Contingent fees: Legal fees paid only if the case is won and often based on a proportion of the monetary damages recovered. Available in personal injury cases, class actions, not in domestic or criminal cases.
- D.

VII. Miscl. thoughts and statistics .

VIII. Useful internet addresses:

www.martindale.com Information on law firms, law schools, etc

www.abanet.org

Official site of the American Bar Association

www.usnews.com

U.S. News and World Report: school rankings

IX. Useful Terminology

college	post-secondary educational institution that grants bachelor's degrees
university	post-secondary educational institution that grants bachelor's, master's and doctorate degrees
state bar examination	state licensing examination required for persons who intend to practice law in a particular state. (take the bar exam; sit for the bar exam; to be admitted to the bar)
attorney (at law), lawyer	a person who is trained in the law and is permitted to practice law in a U.S. state
law (legal) clinic	private non-for-profit law practice providing legal assistance in special areas or to specific groups of clients; often associated with a law school and partially staffed by supervised law students.
paralegal	a legal professional (usually not licensed to practice law, but with specialized training) who assists lawyers in certain tasks.