Chapter Six

THE EXPERIENCE OF LAW SCHOOL

Almost all students find law school overwhelming. Their self-perpetuating mythology — affirmed and reproduced in novels and television series like Scott Turow’s One L and John Jay Osborn’s Paper Chase — analogizes the experience, hyperbolically, to Marine boot camp or the brainwashing of American POWs in North Korea. Students complain that it is intensely boring, makes impossible time demands, requires endless memorization, dehumanizes and infantilizes, undermines moral intuitions, and conservatizes politically. Robert Stover, who taught sociology at the University of Colorado while studying law at the University of Denver, used participant observation, interviews, and survey research to test these myths.

MAKING IT AND BREAKING IT: THE FATE OF PUBLIC INTEREST COMMITMENT IN LAW SCHOOL

Robert V. Stover

SINGING THE BLUES: EROSION OF PUBLIC INTEREST PREFERENCES

It was finals week of the first quarter. I sat in the library, my feet propped up on the table, a well-used spiral notebook in my hands, memorizing the law of property. I’d been there all day, and my level of restlessness increased with each arcane rule of law my mind absorbed. As the afternoon passed, the frequency of my trips to the water fountain and rest room increased geometrically. Around four o’clock, I once again pushed back my chair, stood up, and walked out of the library into the hall. Moving as slowly as possible, I bypassed the second-floor men’s room and descended the stairs.

As I pushed open the door to the first-floor courtroom, I was greeted by a blues melody. Inside one of the stalls, someone was playing the harmonica and singing, “I got the law school blues, ya dooba, wahba, doo—and I bet you got ’em too.” A buoyant feeling of relief swept over me as I laughed for the first time that day. Someone’s creative impulse, humor, and sense of proportionality had survived finals week! By the second verse, I recognized the voice. It was Nelson Fixx, a fellow first-year student, one of the nine with whom I was conducting in-depth interviews for my research.

I told Nelson later that listening to him sing the blues in the men’s room was the high point of the first quarter of law school for me. Nelson himself was one of the high points of our class, in my opinion. Before starting law school, he’d taught kindergarten, worked as a carpenter, sold automobiles, and spent four years with a social service agency organizing the inner-city poor. He was a conscientious objector during the Vietnam War and had participated actively in the presidential campaigns of liberals George McGovern and Fred Harris. During our first quarter of law school, he organized an effort to get every first-year student to sign a sympathy card for a professor whose wife had died. He was continually collecting contributions from friends to buy birthday presents for other friends. He wore big floppy hats to parties and had a dog named Cassidy that sang when Nelson played the harmonica.

Nelson started law school planning to practice public interest law. In answering my first questionnaire, he described the job he’d most like upon graduating as employment by “an environmental planning commission for a region of Colorado—preferably a small, freewheeling team making legislative recommendations.” A liberal, pro-environmental orientation was evident from his answers to other questions as well. The job from a list of twenty that he marked as most preferable was “attorney for a ‘public interest lobby group’ for which you did litigation, lobbying, investigative research, political organizing,
and public relations." His second choice was "attorney for a nonprofit 'public interest' law center that specializes in environmental and consumer law."

When I interviewed Nelson at the end of the first quarter, he told me, "I want to be able to work at something that I can feel good about on the weekends at home, so I feel that I'm using what I know in some constructive way for the greater good—if there is such a thing.... I don't want to work for corporate interests.... I don't want to work for interests that I see give us the pollution and the Disneylands of the world—the more and more plastic that will last beyond us as many generations as we can see into the future."

But even then, in his typically honest and introspective fashion, Nelson expressed doubts about that vision. He openly volunteered the possibility that he might change his career aspirations, noting that age seems to make people more conservative and that legal education seems to corrode what once had been clear-cut moral certainties. "Sometimes, I wonder," he said. "The more law school I have, the more I wonder."

By the time he graduated, Nelson had changed his vision of the ideal first job and was seeking employment as a deputy district attorney or as a clerk for a federal judge. After passing the bar exam, he took a prestigious position as a clerk for a federal judge. After spending a summer working for an American Civil Liberties Union, served as a volunteer probation counselor for juveniles, and canvassed for liberal candidates for political office. In addition, she spent a summer working for an American Indian Center. As a law student, she participated in a Denver Bar Association program providing legal services for the poor.

Allison began law school hoping for a career serving what she described as "human/humane interests." Jobs through which she thought she might accomplish this goal included work as a public defender, American Civil Liberties Union staff attorney, or private attorney with a specialty in American Indian law. The job she considered most preferable from her list of 20 was "attorney for an organization working to protect the rights of racial minority groups, such as the Native American Rights Fund or the NAACP."

Allison's desire to practice law in the public interest hardly wavered during her years in law school. She steadily maintained her desire to work for the disadvantaged and sharpened her initial interest in Indian law. During her final year of law school she used personal contacts and the Martindale-Hubbell directory of lawyers to seek out potential employers of the type she desired. Her persistence paid off when her work for a tribal court judge."
The Experience of Law School

Barbara Phillips. Like Allison, Barbara started law school planning to practice public interest law. In answering my first questionnaire, she described her ideal first job out of law school by saying that she "would like to be a partner in a small group of feminist women lawyers, using our skills and resources for the advancement of women." Her preferred job on my list of 20 was "attorney for a public interest lobby group" for which you did litigation, lobbying, investigative research, political organizing, and public relations. By her final quarter of law school, Barbara's responses to both my open-ended and closed-ended questions indicated that she wanted to work in the corporate department of a large law firm.

At the beginning of her law school career, Barbara's values were in many respects similar to Allison's. The five job attributes Barbara rated most highly on the first questionnaire were "help persons or groups with whom you identify or sympathize," "have time to satisfy off-the-job interests," and "earn at least a moderate starting salary."

In contrast to Allison, consider the case of Barbara Phillips. Like Allison, Barbara started law school planning to practice public interest law. In answering my first questionnaire, she described her ideal first job out of law school by saying that she "would like to be a partner in a small group of feminist women lawyers, using our skills and resources for the advancement of women." Her preferred job on my list of 20 was "attorney for a public interest lobby group" for which you did litigation, lobbying, investigative research, political organizing, and public relations. By her final quarter of law school, Barbara's responses to both my open-ended and closed-ended questions indicated that she wanted to work in the corporate department of a large law firm.

At the beginning of her law school career, Barbara's values were in many respects similar to Allison's. The five job attributes Barbara rated most highly on the first questionnaire were "help persons or groups with whom you identify or sympathize," "have time to satisfy off-the-job interests," "work for desired social and political goals," "live in the right geographical locale," and "work in a congenial interpersonal atmosphere." But Barbara's values changed in an important respect during her years in law school. Three of her top five job attributes remained the same, but "help persons and groups with whom you sympathize" and "work for desired social and political goals" fell from the top five to be replaced by "challenge your ability" and "control your own work and work schedule."

What appears to have happened to Barbara during law school is that she found great satisfaction in conquering the intellectual challenges posed by complex legal problems. Over time, she came to value that intellectual challenge more than the chance to work for social and political goals or to help persons or groups with whom she sympathized. Interestingly, Barbara's political ideology changed hardly at all during law school; her answers to another series of questions indicated that she retained the same strong left-wing views with which she began. Thus, although her views on political issues did not change, her desire to use her position as an attorney to advance her political beliefs changed markedly. By the fall of her second year, this transformation had progressed to the point that Barbara could say, "I don't see being an attorney [as] being an expression of my political beliefs. It's [just] something I'll be good at."

Accompanying this shift in Barbara's values was a shift in her expectations. When she took the basic class in corporate law, she was surprised to find that it was her favorite course. She had imagined that corporate law would be boring but found that, more than any other area of law, it provided her the sort of tough intellectual challenge that she increasingly appreciated. Her expectations concerning the likelihood that employment by a large corporate firm would fulfill some of her most important values shifted accordingly. As Barbara explained:

I took it [Corporations] because it's on the bar [exam], and I found that I really like the area of law. I find it very challenging, very intellectually challenging. I thought for a long time I wanted to do domestic relations, and it's a good area to go into to help people and all that, but it's basically boring... you're basically either doing adoptions or doing divorces... I'm not sure I really want to do that. I really think I'd get a lot of satisfaction out of it but not intellectual satisfaction—not that kind of really brain-teasing challenge. And you find that in corporate commer-
Thus, just as Allison's continuing commitment to public interest practice can be explained by her relatively stable values and expectations, Barbara's shift away from public interest practice can be explained by her changing values and expectations.

**Shifts in Values and Expectations as Reflected in the DU Questionnaire**

**Values.** In the spring of 1977 a sample of then-enrolled DU law students answered a pilot questionnaire asking them to describe the attributes they would most like to find in their first job as an attorney. Their answers were used to construct a list of 21 job attributes later used to measure the values of my panel of respondents.

The two attributes showing the sharpest decline in mean rating were those involving altruistic goals. The average respondent's desire to "work for desired social and political goals" in the initial job dropped by 1.23 points between the beginning and end of law school; desire to "help persons or groups with whom you identify or sympathize" dropped by .83 points. Although at the beginning of law school these altruistic goals were rated at about the middle of the list of job attributes (20th and 12th, respectively), by the end of law school they were much nearer the bottom (17th and 16th).

Three of the four attributes with statistically significant increases in mean rating were those involving interpersonal and organizational factors. While in law school, the students became more concerned with finding a job in which they would "receive guidance from experienced attorneys" (up .99, from 14th to 5th position), "work in a congenial interpersonal atmosphere" (up .48, from 9th to 3rd), and "control own work and work schedule" (up .46, from 13th to 10th). The fourth attribute with a large increase in mean rating was "advance professionally with initial employer" (up .80, from 21st to 20th).

**Expectations.** The students' expectations concerning the 21 attributes were measured for eight of the 20 jobs discussed earlier. The eight jobs included five public interest jobs and three jobs with conventional law firms. Not surprisingly, at both the beginning and the end of law school the DU students rated the eight attributes associated with salary, prestige, security, and long-term benefits as more likely to be found in jobs with both a medium-sized business law firm and a large corporate law firm than in jobs with a public defender, a legal aid office, a minority rights organization, or a public interest law center. However, it is noteworthy that the gap between the four public interest jobs and the two conventional jobs generally widened between Time 1 and Time 2, primarily because of decreases in the scores for the public interest jobs.

At the beginning of law school the students expected more opportunities for both altruism and craft satisfaction from the public interest jobs than from the conventional jobs. In fact all four public interest jobs were rated above both the conventional jobs on all seven of the job attributes involving altruism and craft satisfaction. But by the end of law school, important changes had occurred. The public interest jobs still were uniformly rated superior to the conventional jobs on altruism, but the magnitude of the differences had substantially declined, especially with regard to "helping persons or groups with whom you identify or sympathize." The mean scores for the altruistic job attributes declined for all four public interest jobs and increased for the two conventional jobs. Seven of these 12 individual changes were statistically significant at the .05 level, and two more were significant at the .15 level.

The change was also great for expectations of craft satisfaction. The pattern of increasing expectations of craft satisfaction from the conventional jobs was especially clear; eight of the ten individual changes were statistically significant at the .05 level. For three of the four public interest jobs (legal aid, minority rights organization, and public interest law center) there was a clear pattern of change in the opposite direction.

**Values, Expectations, and Job Preference: An Analysis of Change at the Individual Level**

Are the people who show a decrease in altruistic goals, and/or report changed expectations about the opportunity to realize their values in public interest jobs, the same ones who report reduced...
preferences for public interest jobs themselves? The importance of working for social and political goals declined markedly, while the importance of working in a congenial atmosphere increased. Three changes in expectations about what legal aid work would be like are important in predicting change in preference for a legal aid job: (1) the change in the expectation about the opportunity to gain valuable experience, knowledge, and contacts through legal aid work, (2) the change in the expectation that this type of work would challenge the new lawyer's ability, and (3) the change in the expectation that legal aid work would give the respondent the opportunity to help persons or groups with whom he or she sympathized. The expectation that each of these attributes would be present in legal aid work decreased during law school.

Change in preference for a job with a large firm specializing in corporate work poses a sharp contrast to the findings for public interest jobs. The most important changes in value are the desire to advance professionally with the initial employer, which is positively associated with change in preference for a job with a large firm, and the desire to work in a congenial interpersonal atmosphere, which is negatively associated. In the aggregate, students came to value both these attributes more highly during law school.

Three changes in expectations predict change in preference for a job with a large firm: (1) that the new lawyer would have a chance to advance professionally with the firm, (2) that there would be opportunities to do innovative and creative work there, and (3) that the results of work at the firm would be satisfying. In the aggregate, expectations about chances for advancement in large firms decreased somewhat during law school, but expectations about the creative opportunities and rewards of the work increased significantly.

Finally, the results for a medium-sized firm specializing in business and corporate law indicate that while change in desire to help persons or groups with whom the respondent sympathized is negatively correlated with changed preference for this job, the changed expectation that the job setting would give opportunities for altruistic work is positively correlated with changes in job preference. This job had the greatest increase in preference rank (from 16th to 3rd) in the list of 20 jobs and the data suggest that this increase results, in significant part, from a decrease in altruistic sentiments, combined with increasing acceptance of the view that working for a medium-sized business law firm allows one to serve "ordinary people."

**FIRST-YEAR CRISIS, SECOND-YEAR DISTRACTIONS: THE SOURCES OF VALUE CHANGE**

At least five interrelated factors contribute to the high degree of stress felt by most beginning law students. First, the legal neophyte is confronted by the difficult task of mastering a new and confusing body of knowledge. Second, the law school environment provides only minimal feedback regarding success; uncertainty concerning how to study and how much to study remains high for much of the first year. Third, the student is faced by the challenge of the Socratic method of teaching and by the daily possibility of exposure and embarrassment that it presents. Fourth, almost all law students have known academic success throughout their prior careers; yet in law school, half of them must become accustomed to being "below average." This is especially problematic because of the importance of grades to success in the job market. Finally, the first-year students must integrate themselves into a new social environment and may attach added importance to academic performance in an attempt to win the respect of their classmates. All of these factors direct beginning students' attention toward their studies, leaving little psychic energy for long-term concerns.

I would estimate that during the first two quarters of law school, the total time devoted to attending class, reading course-related assignments, and engaging in other activities directly involving the learning of course materials averaged between 35 and 60 hours a week for the vast majority of students. A reasonable estimate would place the median at no more than 45 or 50 hours a week. To at least some extent, the complaints about workload appear to be part of the myth that the incredible difficulty of the first year affirms the professional competence of those
who have withstood the “test of fire” and justifies their high monetary compensation.

The effect most relevant to the present study concerns the value placed by students on using the law to work for social and political change or to help the disadvantaged. During the course of the first quarter, I observed that students simply seemed to stop thinking about these matters as they became increasingly preoccupied with their studies. This change manifested itself both in an eventual absence of “reform-oriented” conversation during my day-to-day contacts with law school acquaintances and in the self-reports of the students I interviewed.

At the beginning of the year, Sharon Lollar had hoped to participate in a Lawyers Guild project in which law students represented needy clients in employment compensation hearings, but she abandoned those plans because of “lack of time.” When I interviewed her near the end of the first quarter, Sharon observed that her earlier concern with pursuing a career in which she could help others had declined with her immersion in the rigors of law school:

I’m more confused than before. It’s more like I just don’t think about it that much. When I first started law school, I had all these ideas about what I wanted to do, and now I just think about coming here and doing the work.

Barbara Phillips felt the same forces at work but attempted to resist them by characterizing them as a tug-of-war between students and faculty:

I think a lot of people are just saying, “I want to get through [law school].” And I don’t know whether that’s just first-year panic or whether being in law school does that to you.... I find that I have to do a lot of reading and do a lot of this and a lot of that. I think a lot of it is designed to bog us down. Whether the faculty realizes that or not, I think that’s what’s going on. I think they’re playing games with the workload—trying to make us think we’re overworked. I think it’s a psych game, and I think the faculty is winning.

Perhaps more important, a number of alternative—although not necessarily competing—values were stressed. At the most obvious level, the academic and professional importance of systematic, analytical thought was emphasized. At a more subtle level, most professors placed a repeated, if unintentional, emphasis on the pecunary aspect of legal practice. Perhaps the most telling manifestation of this tendency was in the use of classroom humor. In at least four of my first-quarter courses—contracts, torts, property, and legal research—the professors joked about the relationship between legal skills and economic success. Perhaps surprisingly, this “green humor” was quite common among those professors who appeared to be the most politically liberal. One explanation for this might be that these professors were consciously or subconsciously trying to build rapport with less liberal students by emphasizing that “liberals are human, too.” Another possible explanation is that they were in fact attempting to poke fun at the legal profession’s excessive concern with money. But if they were, the students I interviewed did not interpret it in that way.

Law Student, Law Clerk: Professional Culture and the Decline in Professional Altruism

The difference between the first and second years has been noted by previous observers. The constant preoccupation with course work—workload, with understanding the material, with professors and classmates—was gone. People talked about their jobs with law firms, their work on one of the student-edited legal journals, or even their personal lives. Classes were mentioned frequently, too, but usually to note flippantly that the speaker hadn’t started the reading yet or to complain about a professor. Equally noteworthy was the almost total elimination of anxiety about academic performance.

Professors and Students. The way in which the law school’s failure to support altruistic values affects students’ choice of jobs is illustrated by Sharon Lollar’s drift away from public interest practice. Conscientious and compassionate, Sharon had worked as a caseworker for a state welfare agency and had begun graduate study in social work before switching to law. In answering my first questionnaire, she had said she hoped to “become involved with the ACLU” in her first job as an attorney. When I interviewed her near the end of her first quarter of law school, she said “I know much more now than I didn’t want to do this” and “what I want to do. I don’t want to work for a private corporation or in business-type law, but I think...
The Experience of Law School

I'd like to do something that's more client-oriented. I've been thinking about legal aid-type work."

By October of her second year, Sharon's job preferences were shifting toward practice with a private law firm. In describing the job she would most like upon graduation, she said,

"It's changing for me because... I'm thinking more on the lines of a small firm doing... I don't know... not necessarily any sort of specialty. But I'm getting more interested in property law—stuff like that.... I've pretty much changed my mind from doing a poverty law-type of thing to doing whatever comes in the door.

By the end of her third year, Sharon was still hoping to find a job with a small law firm with a general civil practice. One point that Sharon emphasized was the sharp contrast between the support for altruistic values in the graduate social work program and in law school:

"When I was in social work school, it was client-centered. And you really thought about the issues that affected people, and law school just isn't oriented in those terms. And so I think you can't help realigning your thinking.

While first-year students may listen intently to a professor's occasional lapse into moral, philosophical, or policy-related issues, the second- or third-year students typically react to such a breach of conventional behavior by putting down their pens and perhaps also by rolling their eyes in disgust, whispering to a neighbor, or staring into the distance. By the second year, most students have learned that in law school legal analysis, narrowly defined, is what matters. Everything else is peripheral.

Even in the fall of the first year, about half of the altruistically oriented students I interviewed expressed the feeling that they were in a tiny minority, and by the second or third year there was universal agreement that students with a public interest orientation were vastly outnumbered by persons with more materialistic concerns. At the beginning of her second year, Sharon Lollar commented on the effect that this had on her, reporting that she did not feel comfortable discussing her preference for public interest work in front of other students. Attempts to voice support for professional altruism outside the friendly confines of a sympathetic subculture often met with silence or other forms of subtle disapproval, perhaps because they were interpreted as displays of moral superiority. Rather than risk such disapproval from potentially unsympathetic listeners, it often was easier to remain quiet. Louie Littell's description of this phenomenon was perhaps somewhat exaggerated, but it illustrates the point. The enemies I've made in law school probably have been the most vehement that I've ever run across in my life. I stand on the premise it's not me, it's them, and so now I have a dual existence... I realized in coming through law school that you've got to watch your politics and watch what you say in front of certain people... I think... that has affected the way I deal with things here. I look at school life on one hand and my outside life on the other now. And that's tricky, but it's the healthiest way I can play it.

The Impact of Part-Time Legal Work. The absence of support for professional altruism in the law school environment apparently was duplicated in the work environments of most second- and third-year students. Ninety-six of the 103 students who responded to my questionnaires held at least one law-related job outside the law school at some point in their law school careers. The students' responses to the second questionnaire included descriptions of 104 such jobs. Fifty-eight percent of these jobs were with private law firms or solo practitioners, and 75 percent of the respondents listed at least one job with a private firm or solo practitioner. Only 21 of the 104 jobs listed were with private or governmental organizations specifically devoted to the practice of public interest law.

The substance of the work that student employees are sometimes required to do may also contribute to the decline in altruistic values. Most student law clerks are not in a position to choose their cases. Thus students committed to serving the economically disadvantaged, consumers, or environmental interests sometimes found themselves working on the "other side." In the fall of their second year, Sharon Lollar, Barbara Phillips, and Nelson Fixx all expressed certain reservations about the type of work they were required to do. Barbara was affected to the point that she was concerned that her initial
commitment to public interest goals could be in jeopardy.

There are days when I think I'm wavering, I have a lot of doubts about my clerkship job, which is with a small firm that does primarily corporate practice. And I have a lot of objections about working for corporate clients. Some of the things that we do—none of them are illegal—it's things that I politically object to.... I would like to think I could stand firm on my principles, but I'm feeling I could rationalize in a way how my little part in this case couldn't hurt.

In a sense, Barbara may have already been rationalizing, as she went on to emphasize that her top-rate on-the-job training would ultimately serve interests more compatible with her political beliefs. Similarly, Nelson Fixx may have been rationalizing when he implied that after graduation he would be able to choose his own cases.

I think that right now, not being licensed to practice law and not having enough personal or financial power to pick who I work for makes more difference.... When one thinks of only representing the good or only taking cases that one really believes in, you have to assume power to be in a position to make a choice, and the law clerk in Denver in 1978 doesn't have that. He or she is at the bottom of the pile.... You don't have any options, or not many. You have [only] an original option in deciding who you're going to work for.

But this dilemma is not unique to the student law clerk; it also exists for the young attorney seeking employment.

Support for Alternative Values. Classroom emphasis on systematic, analytical thinking continued from the first year into the second and third years with one significant change. Whereas during the first year the professors had sometimes been very explicit about the importance of analytical precision, by the second year it was simply taken for granted. Furthermore, in some cases this shift seems to have had a fairly direct impact on job preferences. For example, Sharon Lollar helped explain her shift away from public interest practice as follows:

I think that my original choice of jobs was based on sort of a "helping the other people" attitude, and that was like the prime thing. And now it's more—I think I'm more interested in getting something that's intellectually stimulating for myself.

Students who began law school with scant background in systematic, analytical thinking and little confidence in their analytical abilities also learned the rewards of solving legal puzzles. Ellen Torgeson, for example, began law school with a sense of unease about legal reasoning, in spite of her prior work as a legal secretary for Legal Services. After the first quarter of law school she told me:

Law school stresses a certain kind of analytical mind that they are trying to form—they are trying to mold you into. And I don't have a very analytical mind at all. I felt like that's something that makes me uncomfortable.... I've never done anything like law school. I was an art and music student, and so I wasn't even in philosophy or English. I just have a different style of thinking, and I thought they're trying to teach me this one style, and it seems like it's a narrow thing they try to push me into, but I have to do it to get through school. And I feel very rebellious about that.

By the end of her third year, Ellen's evaluation of her analytical abilities and of the value of analytical thinking had been transformed. She praised her courses on corporate law and the Uniform Commercial Code because they facilitated systematic thought. As she said with only slight caricature when describing the Uniform Commercial Code:

I love all the little sections, how they fit together, working with them and knowing, OK, it's this. So we look under here—[Section] 7-11—and there's the remedy!

The importance of money and prestige and the career advantages attached to working for the very wealthy were more frequently conveyed more subtly. For example, illustrations drawn from professors' own law practices more often than not involved rich or powerful clients or substantial awards of monetary damages. Similarly, many of the hypothetical examples used in class implied an extremely affluent clientele. In my basic taxation class, the numbers on the chalkboard invariably were far greater than the dollar amounts likely to be encountered by the general practitioner attending to the tax needs of typical middle-class or even upper-middle-class clients.

Other professors based some hypotheticals on the problems likely to be encountered by average citizens, in rewards accorded to people in particular places. During the times indescribable or even unexplained: students realize that they are at the top of the heap, that others at the top of the heap are especially well rewarded. For the 20th-century, the time of the 1960s, the competition is more intense, the rewards more extraordinary. To the 20th-century, the time of the 20th-century, to the 21st-century, is an especially treasured period. The rewards of the 1960s are more extraordinary, the competition more intense.
citizens, intermittently lamenting that the rewards accruing to the client probably would not justify the hiring of an attorney in the first place.

During the three years of law school, a sometimes indistinct, but nevertheless important, academic pecking order developed. Students at the top of the class or those who held an editorial position on the Denver Law Journal were generally respected for their success, and a few of these students clearly considered themselves part of an emerging elite. Among the law reviewers and others at the top of the class, the pull of professional prestige was especially great. A job with a large, powerful law firm was one of the acknowledged rewards of academic success. As Barbara Phillips put it, "It’s very prestigious, it really is—especially when you beat out people from Harvard." For those with a real chance at such a job, it was extremely difficult not to be caught up in the competition. One such student, seemingly firmly committed to a career serving the interests of ordinary people, surrendered to the allure of the large law firm only after failing to get an offer from his first few interviews. My impression was that had he received an offer earlier, he might have felt secure enough in his place at the top to turn it down and pursue his original interests. However, having been rejected as not good enough, he felt compelled to find a job comparable to those taken by his friends on the law review.

The importance of money, prestige, and career advancement were also conveyed to the students by the private attorneys for whom they clerked. According to Allison Smith:

The first comment made to me, after I came back from being gone this summer, by the youngest attorney [in the law firm] was... "We really made a lot of money." The one man in this office that makes $130,000 just off his practice—plus investments, plus he is independently wealthy—loves to tell me each week how much money he makes, and this oil well is coming through well, and this client paid us this much, and that sort of thing.

REALITY AND MYTH: SOURCES OF CHANGED EXPECTATIONS ABOUT LAW JOBS

Changes in Expectations of Craft Satisfaction

Two shifts in perception appeared particularly important to the students’ improved image of the amount of craft satisfaction to be found in business-oriented practice. First, as the students took business-oriented courses, they discovered that business law in general and corporate law in particular was far more intellectually and analytically challenging than they had imagined. The importance of this change was magnified by a growth in the students’ appreciation for intellectual and analytical activities. Second, the students’ experience both inside and outside the law school conveyed an equally appealing image of other aspects of corporate and business practice. Whereas at the outset many students conceived of the daily activities of the corporate lawyer as involving routine “paperwork,” by the end of law school they were more likely to think of them in terms of the human drama involved in managing a large organization or pulling off a successful financial deal.

[Before I took Corporations] I thought, “I never want to get involved in this; I have no need for it.” I took it because it was a bar course and I figured I needed to know something about it. I’m finding it really challenging, or at least interesting. It’s personally challenging because it’s like little puzzles, little problems that you have to figure out. [Sharon]

Before I took the course I thought it would probably be dull, but then when I started taking the course I realized it was very intricate, that there was a lot to deal with and it was a challenge for someone to work with it.... I think there’s a lot of prestige and money in it, but it’s hard. [Ellen]

The students’ increasing appreciation for less cerebral attractions of corporate and business law was perhaps best captured by the classmate who told me that he had come to view corporate law as “sort of like playing Monopoly.” For many students the allure of corporate law appeared to be less the opportunity to earn lots of money than the opportunity to play with lots of other people’s money. Barbara Phillips explained during the middle of her second year that “you find the
power really even more tempting than the money...."

The influence of work experience on changes in perception was also illustrated by Will Goodman's description of his experience as a legal intern with a medium-sized corporation.

That internship I did with the 3M Corporation was interesting. It convinced me that I could actually probably do some kinds of corporate work where I thought before that was impossible.... I was in a situation where I could sit in on all the meetings, and I got what you might call a big picture—not only law, but management, day-to-day stuff, which was really fascinating. It's every bit as challenging as trial work or anything else—just dealing with all the regulations and the people, the organization, the management. It's all fascinating stuff. I may have found a new interest.

Rising expectations of craft satisfaction from business-oriented practice were accompanied by decreased expectations of craft satisfaction from public interest practice. Thus, by the fall of her second year, Jenny Landis's initially favorable perception of legal aid work had given way to the view that "it is more of a treadmill type of thing. You're just hit with cases and cases and cases." Similarly, Sharon Lollar had reevaluated the opportunities for intellectual stimulation presented by the altruistically oriented jobs to which she had formerly aspired. "I guess I feel that...the kind of practice I was interested in doing tends to get old real fast," she said.

Barbara Phillips's initial desire to work with a small group of feminist lawyers "for the advancement of women" faded as her perceptions of the intellectual and creative outlet provided by such work diminished. The extent of Barbara's shift in perception was illustrated at the end of her third year in law school, when she referred to her former dreams of feminist-oriented practice as no more than a previous desire "to do domestic relations" law. And that area of law, according to Barbara, is "basically boring" in "all kinds of ways." "I mean you can be creative," she explained, "but it seems to me that the legal parameters and even the social parameters of domestic relations are very limited."

There are scattered indications that firsthand contact with public interest law may have helped lower, rather than raise, students' expectations concerning the craft satisfaction available in public interest practice. For example, Jenny Landis reported that her poverty law class was "a lot more laid back" than most courses and not really very challenging. And Nelson Fixx's description of his experience as an intern for the Environmental Protection Agency, which arguably is a public interest employer, shows his disillusionment with the degree of craft satisfaction to be found there.

I quit because I didn't feel I was being productive. That was a big change—to be working in a position that should have been the real me, should have been. It was a prestigious position that paid well, and it was with a young, energetic agency. And it was boring. It was terribly boring. [T]here were a lot of factors in this, but one was the agency itself, being a big federal bureaucracy, was pretty stifling.... It didn't seem like there was much being done to change the environment, to work on the expressed goals of the agency. Instead people were more concerned about the coffee breaks, about whose daughter was going out with who. A lot of gossip time. Very little work happened. Terrible support staff.

Over all, though, I do not believe that Jenny's and Nelson's reactions to their experience with public interest law were typical. Jenny's reaction was not shared by most other students enrolled in courses with a public interest emphasis. Louie Litrel spoke enthusiastically of his poverty law course, and another one of my classmates told me that his poverty law professor made a special effort to present a smart academic challenge. My limited interview data on the subject also suggest that students enrolled in advanced civil rights and civil liberties courses viewed the work as both stimulating and challenging.

More importantly, the questionnaire data suggest that students with public interest work experience were less likely than other students to move toward negative expectations of public interest jobs. For example, for the 80 students who did not work for any type of public interest organization during law school, there was a decrease in the expectation that a legal aid job would be challenging, while it appears that for students who worked in public interest jobs outside of legal aid, the decrease was less, and for the four students who worked in legal aid positions, the expectation that the new lawyer would find this work challenging increased.

Consider, for example, Sharon Lollar's perceptions of securities law. If the presentation of a certain material fact of economy to the attorney who has individually sued for the mistake involved a certain intent on the part of the securities lawyer, you violate a personal liability. Your one job is to turn you into a penny stock fraud lawyer. (Sharon)

One thing I think is interesting under the federal securities laws is that you violate certain personal liability and challenge of securities for the profession. If you make a bad deal in securities, you expose yourself to a material financial liability. For example, if you turn a penny stock into a fraud lawyer, you expose yourself to a personal liability. (Nelson)

It is interesting that both Nelson and Sharon emphasized the intellectual comparability of certain aspects of the securities law practice to those in public interest work. For example, Nelson followed her background in electrical engineering and her personal liability for the securities of certain kinds of companies. "I made a lot of money..." Nelson spoke of, like, jobs that offer that sort of thing: "I'd exchange with me, I wouldn't want to look at my background..."

The Experience of Law: A Guide to Legal Practice...
The Experience of Law School

this work challenging actually appears to have increased.

Consider, for example, Nelson Fixx's and Sharon Lollar's perceptions of corporate securities law. If the prospectus accompanying the issuance of a certain stock misrepresents or omits a material fact of concern to potential investors, the attorney who handled the legal work can be individually sued for the investors' losses—even if the mistake involved no negligence or fraudulent intent on the part of the attorney. Both Nelson and Sharon emphasized this point in describing the intellectual complexity of corporate law.

[Securities law is a] highly specialized, very complicated area to which attaches, as we say in the legal profession, a lot of personal liability. In other words, if you make a bad decision as a corporate securities lawyer, you expose yourself to tremendous personal financial liability. People can take you to court and turn you into a pauper. There's big money in it. [Nelson]

One thing I think is that there's a sort of strict liability under the federal statutes on securities so that if you violate a certain section you can be sued individually as a lawyer, so that's why I think the salaries are so high. [Sharon]

It is interesting that both Nelson and Sharon not only saw a relationship between the attorney's personal liability and the intellectual complexity or challenge of securities law, but also connected these factors to the prestige or economic rewards accruing to securities lawyers.

Both Nelson and Sharon came to law school from backgrounds in serving the underprivileged, and both entered law school intending to pursue public interest careers. But by October of the second year both showed definite signs of rejecting public interest practice for more lucrative conventional careers. And both were clearly feeling a certain amount of anxiety about that change. For example, without interruption Sharon followed her explanation of the personal liability of the securities lawyer with the following comment: "I've even started to think in terms of, like, jobs that offer more salary, you know, and that sort of thing." Then, after a brief follow-up exchange with me, she continued: "OK, I've given up this emphasis on the clients, so why shouldn't I look at myself? I mean...if I felt like I really wanted to be helping people, I'd do it regardless of how much money I was making. I don't know. I feel really funny saying this" (emphasis added).

And Nelson followed up with this explanation of his growing uncertainty about his job preferences: "From what little I've seen, I don't want to just say at this point that I'll be working for the state or working for the Sierra Club, because I think a person who's environmentally conscious can do some good working for development companies, oil companies, coal companies. I feel I should cut my tongue out for saying that" (emphasis added).

Changes in Expectations of Opportunities for Long-Term Benefits and for Altruism

A law student was celebrating his birthday, and the guests were exuberant. Conversations around the room were animated. I was talking to a woman not in law school who was curious to learn what legal education was "really like." Attempting to impress her with my erudition, I mentioned that research at several schools had shown a decline during the law school years in students' desire for public interest practice. Overhearing my comment, a fellow law student leapt quickly into the conversation.

"So what?" he nearly shouted. "That doesn't prove anything! I don't have anything against public interest practice, but I want to work somewhere where I'll get some decent training. At Legal Services, it's baptism by fire. Everybody's overworked. The quality of the practice is crummy! Lots of people just don't know that when they start law school. You can't ask people to make that kind of sacrifice!"

I was struck by the intensity of this man's concern, but not by the content of his remarks. Second- and third-year law students, I had learned, viewed the initial job after law school as a continuation of their legal training. They had little faith that law school could prepare them for the practical exigencies of legal practice, and they cared deeply about the experience, knowledge, and contacts that their first job would provide. Furthermore, during the course of their legal education they formed rather definite opinions about various employers in this regard. Large
medium-sized law firms generally were believed to be especially likely to provide new attorneys with a solid foundation of experience, knowledge, and contacts. Public interest employers were not.

Long-Term Career Benefits. Why did the DU students lose confidence in the quality of experience, knowledge, and contacts to be found in public interest practice? First, the students’ perception of the resources commanded by public interest institutions appears to have declined as their earlier, media-based images of these jobs were replaced by more realistic pictures of limited budgets and heavy caseloads. For example, Sharon Lollar explained her disillusionment with the value of legal aid work as a source of additional training as follows: “I think they’re really restricted as far as the time they can spend on cases—the caseloads are enormous, I think—and feeling like they don’t have as good facilities as in a private firm.” Similarly, Jenny Landis mentioned, in explaining her disillusionment with public defender and legal aid work, that “there’s a lack of government resources. It’s always going to be that way.” Other students specifically contrasted the training available at the city’s resource-rich larger law firms with the more limited opportunities in public interest practice.

Second, it seems likely that there was significant change in the students’ judgments concerning the proximity of public interest law to the mainstream of legal practice. This shift in perceptions was probably especially important to students who initially thought of public interest jobs as way stations in careers that might later head in more conventional directions. As these students learned how few attorneys, in fact, are engaged in public interest practice, they may have worried that public interest jobs would not place them at or near the center of the informal networks helpful in building professional contacts. Similarly, as they began to view these jobs as significantly different from large law firms, they might have concluded that a job with a minority rights organization, for example, would not provide widely marketable skills and knowledge. Anxiety about the long-term benefits of early public interest practice was probably heightened as students learned to differentiate between the skills and knowledge appropriate to various legal specialties. For example, a beginning law student might overestimate the similarity of public defender work to conventional business practice, but a third-year student probably would not.

Third, as their contacts with the legal profession increased, the students discovered the generally low repute in which many attorneys hold public interest practice.

Opportunities to Work for Altruistic Goals. It is only a slight exaggeration to say that some of the DU students began their legal studies with a caricatured image of business-oriented practice, in which attorneys with such firms pursued starved widows on behalf of avaricious creditors, defended rich, bigoted employers against race and sex discrimination suits, and represented real estate developers hell-bent on destroying the pristine beauty of the Colorado mountainside. Clerking for a conventional law firm exploded that myth, as students discovered that business law practice is far more benign. It is not that business lawyers are never involved in disputes such as those caricatured but simply that any such activity is a much smaller part of most business law firms’ practice than many students had assumed. And to the extent that the common activities of business law firms do contribute to the economic oppression of underprivileged groups, the methods are almost always more subtle.

In addition, the students’ exposure to business practice led them to personalize their cognitive images of a business law firm’s clientele. For example, a law clerk working on a legal problem for Smith Office Supply Co. would soon discover that the real client is a particular Ms. or Mr. Smith. The clerk might even meet the client and learn that he or she roots for the Cubs, drives a pale blue Buick, and graduated from Purdue. A surprisingly large number of the students I interviewed seemed genuinely surprised to discover that working for a small or medium-sized business law firm would allow them to help “ordinary” (upper-middle-class) people.

For example, among the students I formally interviewed, Barbara Phillips and Ellen Torge-
The Experience of Law School

son were particularly influenced by such changes in perception. In the fall of her second year, Barbara explained that a good deal of her "previous prejudice against working for a corporate firm was not knowing what kind of law they do." But after working as a law clerk for an eight-attorney firm specializing in corporate law, she was surprised to discover that although some of the firm's clients were "pretty vile...for the most part they're not." Furthermore, she learned that:

A lot of what we do is take...two or three people doing some kind of business venture and make corporations out of them, as much for tax and legal purposes as anything else. But I don't think that makes corporations the bad seed. So I don't feel as bad about working there.

Ellen pointed to similar changes in her perceptions of business practice as one factor important to her increased willingness to pursue such a career.

I can [now] see working with smaller businesses because I think it's valid if you want to get together with a friend and start up a business, end up with an exciting venture. And it's not like businessmen are this group of alien people.

In contrast, the students' disillusionment with the altruistic potential of public interest practice appears to have resulted from their reassessment of both the effectiveness of law as a tool for social change and the institutional capacity of public interest organizations. By the fall of her second year, Barbara Phillips had abandoned the belief that she could use her position as an attorney to work effectively for her left-wing political goals. During one short segment of an interview, she made these statements:

I don't think the law is particularly a tool for change.... I don't see being an attorney as being an expression of my politics; it's something I'll be good at.... Nothing I do as an attorney will cause radical change.

A number of students began to question whether particular public interest employers possessed the resources, institutional commitment, or organizational structure necessary to accomplish their goals. Barbara Phillips, Sharon Lollar, and Jenny Landis all made the point that heavy caseloads and limited resources severely limited the ability of legal aid attorneys to adequately represent indigent clients. Again in Barbara's words:

I'm not sure if I recognize the validity of the whole legal services structure. I have some doubts about that.... It's just become a mill that you run people through, and some of the problems they handle, and some of them they don't.... A lot of that has to do with workload.

The Mythological Element. Consider the case of Ellen Torgeson. As Ellen became more pessimistic about the opportunities to help the environment as an attorney for the Environmental Protection Agency, she became more optimistic about the opportunities to do so as a natural resources attorney for a conventional law firm or business corporation. According to Ellen, the advantage of business-oriented practice was that it would provide a more direct opportunity for her to convince businesses to adopt environmentally enlightened policies. It is clear that the emergence of this view was in part the product of an unusual receptiveness to "good news" about business-oriented practice. In Ellen's own words:

I'm trying to open my mind towards working for corporations because there's a lot of jobs there for, well, natural resources law in a corporation, and it would be a good place to get experience. But it wouldn't be corporate law.

CONCLUSION

This essay has attempted to explain the movement toward more negative expectations for public interest jobs and more positive expectations for conventional, business-oriented jobs. These shifts appear to have been the product of two sorts of learning processes. First, lay mythology was replaced by more accurate, experientially-based perceptions of both sorts of practice. Second, to some extent lay mythology was replaced by the mythology of the legal profession.

At DU I saw little evidence that either law professors themselves, or the written material which they assigned, directly conveyed a negative image of the craft satisfaction, long-term benefits, or opportunities for altruistic action available from public interest practice. Instead, students appeared to be more frequently exposed to such sentiments by practicing attorneys or by fellow law students
who themselves had acquired their views from practicing lawyers. Thus the law school seems to play a much less important role than the practicing bar in transmitting the professional myth of public interest imputed to law students.

However, it would be incorrect to conclude that the law school's stance toward public interest practice was irrelevant to the students' changing expectations. Viewed from one perspective, this stance might be characterized as demand-responsive neglect: the law school would increase its meager public interest emphasis if student demand justified it. But in the meantime, students learned very little about public interest practice unless they made special efforts to interact with the small number of professors, courses, or student organizations likely to provide the relevant information. In contrast, they learned a great deal about conventional business practice, unless they made deliberate efforts to avoid the profusion of information on that subject.

DISCUSSION QUESTIONS

1. Why are law students so enthusiastic and uniform in their experience of transformation? Is it more intense than being an undergraduate—when college, for many, signifies the first separation from family, independent living, crossing many new frontiers? What makes law school unique? How does it differ from medical school? Business school? Graduate school? Is it a "total environment," as Erving Goffman said of prisons and mental hospitals? Antonio Gramsci coined the term "hegemony" to describe those aspects of a culture everyone takes for granted—just the way things have to be. Does law school impose a hegemonic culture on students? If students exaggerate its influence, what is the function of this myth?

2. How would you differentiate between self-selection (who chooses law school and socialization (what law school does to students)? Can you identify the ingredients of socialization: workload, curriculum, pedagogic style, competition? What do students learn—apart from rules? What is the function of "green humor"? Can you specify the consequences: cognitive style, personality, ethics, politics, career choice? Does anxiety about performance during the first year and about jobs (summer and permanent) during the second and third serve to mask, to distract from, the transformation in ends many students experience?

A comparison with continental European legal education may highlight the idiosyncrasies and effect of American law schools. There, law is a first rather than a graduate degree; law faculties can be huge—as large as 15,000; instruction is by lecture and attendance poor; examination may be oral; attrition is high; only a small proportion of graduates become private practitioners.

3. What is the influence of the job market? How has it varied over time? How does it differ among schools? What is the effect of summer jobs, part-time work during the school year, externships?

How do students choose jobs? How do they rationalize these choices? How do they describe the attractions and drawbacks of jobs? How do prospective employers sell themselves? What is the importance of: pay, hours, work conditions, training, career prospects, prestige, content of work? A third of the UCLA class of 1989 went to work for firms with more than 100 lawyers, earning an average salary of $69,000; another 15 percent joined firms of 51-100 lawyers, earning an average of $54,802. By contrast, only 2 percent took public interest jobs, earning an average of $26,000.

Does a concern with means—technical craft—displace an emphasis on ends—the social, economic or political significance of lawyering? Do students move from asking "what can I do with law?" to asking "what can law do for me?" Does law school contribute to this change?
4. How would you reform law school? What opposition would you expect to encounter? If student dissatisfaction is so pervasive, intense, and enduring, why hasn’t change occurred?

SUGGESTED READING


