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## **LEGAL EDUCATION IN THE UNITED STATES**

*Types of Law Degrees.* In the United States, the formal study of law is only available at the graduate level. To attend an American law school, a student must already hold an undergraduate degree. The most common law degrees offered by American law schools are the professional Juris Doctor (JD) degree and the master's degree in law (LLM). The JD degree is the law degree required to practice as a lawyer in the US and requires three years of study at a law school after completion of an undergraduate degree. This undergraduate degree may be in law-related fields (e.g. a Bachelor of Arts degree in Law and Society) but it is not sufficient to practice as a lawyer. The LLM degree is generally meant for alreadyqualified lawyers who wish to

undertake further study accreditation in order to practice as a lawyer, many states require a candidate to have a JD degree from a law school that has been approved by the American Bar Association (ABA). The ABA is the professional association for law and its members include those who practice and teach law as well as current law students. The ABA's Council of the Section of Legal Education and Admissions to the Bar ([www.abanet.org/legaled](http://www.abanet.org/legaled)) is recognized by the US Department of Education as the "accrediting agency for professional schools of law". Currently, the ABA has approved 184 law schools in the US. Non-ABA accredited law schools may only qualify attendees to practice in the state in which the school is located; consequently, graduates of non-ABA accredited schools often have difficulty being licensed to practice law in other states.

*Structure of the JD Program.* The professional JD degree is meant for those who wish to practice law (or work within the legal field) in the US. Therefore, the main concentration of the degree program is on American law. International students who wish to practice in their own country but gain experience with American law are advised to do a master's degree in law. The first year is quite structured with compulsory courses such as civil procedure, constitutional law, contracts, criminal law and procedure, legal method, legal writing, property law and torts (personal injury law). The first year may also include moot court exercises (mock trials) in which students argue cases against one another. During the second and third year, courses may include evidence, civil litigation, taxation, wills and trusts, administrative, corporate, commercial, family, environmental or international law.

Although the design of the JD does not allow much specialization, students have more freedom during these years to choose courses in their field of interest. Opportunities for gaining professional skills are also often available after the first year through a clinical course, which allows for actual or simulated work with clients. These opportunities vary among law schools but usually take the form of an actual on-site clinic dealing with minor cases, an external clinical placement with a real law firm or public agency or a course with simulated clinical work. Aside from the vast amount of studying involved, the teaching methods used in most courses can also be quite intimidating to a first-year law student.

These methods are referred to as the Case Method and the Socratic Method. The Case Method forms the structure of most law school courses where the only texts are casebooks - collections of written judicial opinions on actual court cases at the appellate (Court of Appeals or Supreme Court) level. Assignments entail reading a number of related cases and being prepared to answer questions based on them in the next class meeting. The Socratic Method refers to the teaching style used by most law professors. Instruction by lecturing is quite limited and more often takes the form of directed questioning. Put simply, the professor will "invite" one student to give a thorough and detailed summary of one of the assigned cases. The professor then questions the student on omitted details or unresolved issues. Afterward, the professor may slightly alter the facts of the case in order to allow the students to come to a different decision than that reached by the court.

Together, these two methods sharpen critical thinking skills and the ability to distinguish between subtle underlying principles of a certain area of law.

*Structure of the LLM Program Generally.* LLM programs are intended for qualified lawyers who have several years of experience but wish to pursue further study. General LLM degree programs can be individually tailored to suit a candidate's interests and normally require a thesis of publishable quality. Some LLM programs offer concentrations in particular fields such as taxation, international law and comparative law, and may or may not require a thesis. For foreign-educated lawyers, some law schools offer LLM programs such as "US Comparative Law" or "US Legal Studies", which are designed to give foreign law graduates an insight into the American legal system. LLM programs are typically one year in length and do not normally require standardized tests such as the Law School Admission Test (LSAT) or the Graduate Record Examination (GRE) for admission. International applicants may be required to take the Test of English as a Foreign Language (TOEFL). Other Graduate Law Degrees Other graduate degrees include master's degrees in Comparative Law (MCL), in Comparative Jurisprudence (MCJ), and in Legal Institutions (MLI).

These programs differ from the LLM in that they tend to be less specialized and less research-oriented. They consist mainly of taught courses and do not normally require a master's thesis. However, the

scope of these degrees can vary from one law school to another. Some may be designed for foreign-educated lawyers, especially for those trained in civil law countries who wish to study the common law principles of the American legal system. Others may be intended for non-law professionals who require knowledge of the legal field. Degrees awarded at the doctoral level are the Doctor of Juridical Science (SJD or JSD) and the Doctor of Comparative Law Studies (DCL). These are the most advanced degrees in law and generally intended for those pursuing an academic career in the legal field. Only a small number of applicants are admitted each year onto these programs, which consist of specialized study and research, as well as a substantial thesis. Joint degrees Most law schools offer the option of joint degrees in various disciplines.

The most common degrees are a JD/MBA or a JD/MA in Economics or Political Science. These joint degrees will take more time to complete due to the added degree requirements. Acceptance into US Law Schools Law schools do not require that applicants take an undergraduate degree in a particular subject or to have completed specific courses. Instead, they emphasize the importance of a demanding and wellrounded education with experience in a variety of disciplines. Although pre-law programs exist, most law schools feel that the coursework is far too narrow to provide a well-balanced education and consequently prefer that students save the specific study of law for law school.

However, there are certain skills and areas of knowledge that the law school candidate should seek to develop. Necessary skills include critical thinking, problem solving, analytical reading, oral and written communication and general research skills. Given the American emphasis on liberal arts education, many of these skills are used in each undergraduate course, especially upper-level courses. Prospective law school candidates should also seek to gain a basic understanding in certain subjects. These areas include American history; political theory and the American political system; ethics and theories of justice (found in philosophy and religion courses); microeconomic theory; basic maths and accounting skills; human behavior and social interaction (found in psychology and sociology courses) and an awareness of international issues.

Experience with any of these areas prior to law school will help with the intake of vast amounts of new information expected of first-

year law students. For general information about undergraduate education in the US, please refer to our handout “Undergraduate Study in the United States”.

Basic admissions requirements include a bachelor’s degree in any field and the Law School Admissions Test (LSAT). The LSAT is a half-day standardized test offered four times per year. It measures reading and verbal reasoning skills, and does not require specific knowledge of law. Students are advised to sit the exam either in June of the penultimate year or September of the final year of undergraduate study. On-line registration is available on the Law Schools Admissions Council’s web site ([www.lsac.org/](http://www.lsac.org/)). Please note this test cannot be taken in Portugal; the nearest test center is in Madrid, Spain. Acceptance Rates Despite a small decline in the number of applications over the last two years, competition for a place at a US law school is still fierce, especially for international applicants. Of all the selection criteria, most law schools place the heaviest emphasis on the score from the LSAT and on a student’s Grade Point Average (GPA).

For the LSAT, most law schools require a score of at least 150, with the more competitive schools requiring scores of 160 for admission. No law school is likely to grant admission for scores under 145. A GPA is an average of the grades received for all courses, converted onto a scale of 0 to 4.0. Generally, the minimum GPA for admission to law school is approximately 3.0 (equivalent to a 15 in the Portuguese grading system), with the more competitive schools requiring a GPA of 3.5 or higher (equivalent to a 17). Students should request applications and information from individual law schools. In addition to application forms, law schools will require letters of recommendation, transcripts (a record of all academic courses taken with the grade received for each) for all undergraduate and postgraduate study, a statement of purpose and, occasionally, an interview.

Most law schools require applicants to apply through the Law School Data Assembly Service (LSDAS). This service compiles the required application information into a single report that is then sent to each law school applied to by the student. This report includes an undergraduate academic summary, copies of all undergraduate, graduate and professional school records, LSAT scores, letters of reference and writing samples taken from the LSAT. Application

forms should be sent directly to the law schools, who will then request the report from the LSDAS. Registration with the LSDAS should take place by the end of the penultimate year of study and can be done when registering for the LSAT. Details of the LSDAS service can be found in the LSAT registration bulletin and on the LSAT web site ([www.lsac.org/](http://www.lsac.org/)). For graduates of universities outside the US, LSDAS registration is limited to students attending institutions recognized by the LSDAS. At the time of writing, no Portuguese institution was recognized by LSDAS. For those students unable to register with the LSDAS, the application and all required information must be sent directly to the law schools.

**Expenses.** The cost of applying to each law school can range between \$25 and \$100. Additionally, the cost of sitting the LSAT exam is \$108. For academic year 2004/2005 the estimated average annual cost for law school will be \$40,000 to 45,000. The fee to sit the bar generally ranges between \$150 and \$400 but can be as high as \$700. A bar review course prior to the bar exam is strongly recommended for all bar exam candidates. Most review courses are run by outside agencies, are about four weeks long and can cost up to \$3,000. Many US law schools offer financial assistance in various forms, such as fellowships, scholarships and assistantships. Qualifying to Practice Law in the US In order to practice law, one must first be "admitted to the bar" in an individual state.

This entails passing the state bar exam and any other exams required by the state bar examiners. For students with a JD degree from a US law school, most states will not grant permission to sit the exam unless the law school has been approved by the ABA. Generally, state bar examiners require evidence of three qualities in exam candidates: sufficient general education at the undergraduate level; sufficient US legal education gained from an ABA-approved law school; and sufficient knowledge of local bar requirements. Each state bar administration sets its own criteria for permission to sit the state bar exam so prospective candidates must contact the individual state bar examiners for specific information. The Bar Exam Generally, most states require a candidate to have a JD degree from an ABA-approved law school in order to sit their bar exam. In some cases, graduates from a non-ABA-approved law school may be allowed to sit the bar exam in the state in which the law school is located.

The bar exam covers the law particular to that state and is approximately 6 hours in length. Some state bar associations may supply details of bar review courses in their state. For all state bar exams taken in 1999, 69 per cent of students who had studied at an ABA-approved law school were successful in passing the exam. Students who had studied at a non-ABA-approved US law school had a pass rate of only 26 per cent. For graduates of foreign law schools, a total of 2,385 sat the bar exam with 42 per cent successfully passing the exam. (Source: National Conference of Bar Examiners.)

**Other Exams** In addition to the state bar exam, 47 states also require the Multistate Bar Exam (MBE). The MBE covers general legal knowledge in areas such as contracts, torts (personal injury law), constitutional law, criminal law, evidence and real property. It is a 6-hour, multiple choice exam made up of 200 questions. A typical second day of testing includes series of timed essay exams on a variety of subjects. This portion may be comprised of two other multistate exams: the Multistate Essay Exam (MEE) and the Multistate Performance Test (MPT). However, these exams are not as frequently required as the MBE and the MPRE.

Currently, 47 states also require law students to pass the Multistate Professional Responsibility Examination (MPRE). The MPRE tests knowledge of the ABA codes on professional responsibility and judicial conduct. However, some states will allow a student to sit this exam during law school, usually after finishing a course on legal ethics. The MPRE is a 2-hour, multiple-choice exam. Character Evaluation Part of the licensing process involves the assessment by bar examiners of an applicant's character and fitness to engage in the practice of law. Currently, 16 states either require or allow applicants to register with their licensing agency during law school in order to conduct this assessment before the actual licensing period.

**For Foreign-Educated Lawyers and Law Graduates** Just over half of all state bar administrators have stated that graduates of foreign law schools are not eligible to sit their bar exam under the rules of their jurisdiction. Of those states that will grant permission to foreign law graduates, most require that either the foreign law school is the equivalent of an ABA school or that the graduate has done a certain amount of study at an American ABA-approved law school. If additional study is required, the precise amount will be expressed in

terms of credit hours and certain subjects may also be specified. Admission to a JD program would be the most straightforward route towards gaining this credit, and some universities may award partial credit (advanced standing) towards the JD if the student has an undergraduate law degree.