

Introduction

By Traci Yoder

“The first thing I lost in law school was the reason that I came.” –*Unnamed Law Student, as told to Bill Quigley in “Letter to a Law Student Interested in Social Justice.”*ⁱ

Many people come to law school because they believe a legal education will provide the tools to assist social movements as well as oppressed and marginalized individuals. Those coming from an activist background often hope that a law degree will offer them the opportunity to use the law for progressive social change. However, as the foreword and the quote above indicate, the actual experience of being in law school can quickly discourage a critical social justice perspective. From day one, law students are praised for their admission into the educated elite and encouraged to use this status for personal gain. This reassurance—combined with the high cost of tuition, competitive atmosphere, amount of work, and intimidating pedagogical methods—produces a situation in which many students find it difficult to maintain their ideals over the course of the three years of law school.

The Radical Law School Project (RLSP) is designed as a tool to change law school culture from the inside out. We start from the assumption that the current practices of legal education can be challenged and improved through the organization and determination of students and their allies. We identify the structures and unspoken assumptions that maintain the elite and conservative nature of law schools, and by extension, of the law itself. The belief that legal education can and must change is a radical assertion. The overall effect of being in law school is to isolate students from their values and from each other and to reframe social, ethical, and political issues in the dry and obtuse language of the law. We challenge this version of law school and offer analyses and tools to create a new kind of legal education—one that will teach how law can be used for the benefit of people over property.

This project was created for social justice activists who have already decided that they plan to attend law school or are currently enrolled in a program. Whether you are interested in a career that requires a law degree, want to have more resources available to you in your social justice work, or are simply tired of interacting with lawyers who are arrogant and thoughtless, there are many reasons why activists decide to get a legal education. However, law school is not a pleasant or inspiring experience for most people. Our intention is to offer ways to both cope with the stressful and hierarchical nature of law school as well as to change as many of its deleterious aspects as possible. A radical legal education will produce radically different kinds of lawyers, which will reshape the legal profession.

This project is a collective endeavor which brought together NLG members across the country to research, write, edit, and design the articles we will be sharing. NLG law students drew on their own expertise and experiences to offer real-life case studies in which students and faculty organized to change specific aspects of law school. NLG student members: organize yourselves to work on improving the conditions of your law school!

Law School for Social Justice Activists

There are numerous problems with the current law school model, including escalating tuition, lack of legal jobs for the number of graduates, questionable funding practices, and inaccurate reporting of LSAT scores and employment statistics by many law school administrators.ⁱⁱ Legal reform scholars, recent law graduates, and the popular media agree that law schools leave graduates unprepared to practice law, requiring them to work first as if an apprentice. Literature critical of current legal education points to the tendency for law schools to encourage instrumentalist thinking, an emphasis on authority and analysis, and politically conservative thinking.ⁱⁱⁱ However, less attention has been given to what is considered “normal” about law schools: the intensely competitive environment, the rigid and noncritical curriculum, unclear and stress-inducing teaching and grading practices, and high rates of anxiety, depression, and substance abuse.

Given these problems with law schools and legal education as currently practiced, you might be wondering if a social justice activist should even attempt to join the legal profession as an attorney. For those who are still trying to decide if law school is the right step for them, we suggest *A Handbook for Social Justice Activists Thinking about Law School* by Nikki Demetria Thanos, *For Those Considering Law School* by Dean Spade, and *Letter to a Law Student Interested in Social Justice* by Bill Quigley. These attorneys offer sobering advice for aspiring law students, including the limitations of the law to produce social change as well as the emotional and financial toll of a legal education.

How to Use This Manual

The RLSP builds on the *NLG Disorientation Manual*, which the Guild publishes each year and distributes to law schools. The *DisO* offers a history of the NLG, tips for starting a student chapter, and short essays on topics such as community lawyering, legal indoctrination, alternative forms of law practice, and creating a public interest career. This project goes further by presenting an extended analysis of contemporary legal education as well as concrete strategies to change the culture of law school using examples from other students who have successfully fought for improvements in their institutions.

The RLSP approaches the goal of transforming legal education through a number of practical interventions. The sections in the manual address particular problems of law school and offer strategies, alternatives, and case studies to help you implement changes at your school. Topics covered include the dominant legal career narrative, the psychological effects of law school, teaching and grading practices, barriers to legal education, tuition increases, law student debt, radical faculty and curriculum, contemplation and the law, starting and reviving NLG chapters, and advice for life as a new lawyer. Whenever possible, we have included concrete suggestions, resources, and step by step guidelines for implementing campaigns to address these various aspects of legal education.

In Part 1—*Problems with Law School*—we analyze the current state of legal education in order to provide a context for our proposed interventions. These sections examine class, gender, and racial barriers to a legal education, an analysis of affirmative action programs, the reasons for rapidly rising tuition, and the effects of increasingly large debt for law students. These sections also

address the often unspoken aspects of law school that cause students to experience anxiety, depression, high rates of substance abuse, and difficulty maintaining a life outside of school. These include unclear pedagogical and grading methods, an extremely competitive atmosphere, and the pressure of certain debt in a poor job market.

Part 2—*Alternatives*—suggests multiple ways that law students can contest current law school practices as well as create new forms of community and education while in law school. Sections include information on challenging tuition hikes, changing teaching and grading practices, starting critical legal studies discussion groups, introducing curriculum diversity initiatives, holding anti-oppression trainings, incorporating contemplation and meditation practices, and building and supporting NLG chapters.

The final part of the book—*After Law School*—discusses the period immediately following law school, including a section on alternative career narratives and advice from recent NLG graduates on finding work and fellowships. One of the best ways to stay connected to a nationwide network of radical attorneys, legal workers, and law students is to maintain your Guild membership after graduation!

Changing the practices, pedagogy, and expectations of law school in order to transform the culture of legal education will not always be an easy process. Over 100 years of tradition will challenge many of the changes we recommend in the following articles. Remember that you are not alone! The NLG offers a nationwide community of lawyers, law students, legal workers, and scholars who can assist you in changing the conditions at your law school. The advice in this manual comes directly from the research and organizing of other NLG law students, who can support your efforts to make similar changes at your law school.

Further Resources

NLG Disorientation Manual

A Handbook for Social Justice Activists Thinking about Law School by Nikki Demetria Thanos

For Those Considering Law School by Dean Spade

Letter to a Law Student Interested in Social Justice by Bill Quigley.

ⁱ William Quigley, “Letter to a Law Student Interested in Social Justice,” *DePaul Journal for Social Justice*, Vol. 1, No. 1 (Fall 2007).

ⁱⁱ See for example: Ethan Bronner, “Law Schools’ Applications Fall as Costs Rise and Jobs Are Cut,” *New York Times*, January 30, 2013; David Segal, “Is Law School a Losing Game?” *New York Times*, January 8, 2011; J. Maureen Henderson, “Why Attending Law School Is The Worst Career Decision You’ll Ever Make,” *Forbes*, June 26, 2012; Kyle McEntee, “The Problem With Law School,” *Huffington Post*, December 6, 2012; and Brian Tamanaha, *Failing Law Schools* (Chicago: University of Chicago Press, 2012).

ⁱⁱⁱ Duncan Kennedy, “Legal Education as Training for Hierarchy,” in *The Politics of Law, 3rd Edition*, ed. David Kairys (Basic Books, 1998).