

## Mistakes Were Made: Lessons Drawn from My One L Experience

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“Read and brief Contracts reading!”

“Study Bluebook!”

“Pick up dry cleaning!”

As I turn the pages of my appointment book for 1996, my heart beats faster and more forcefully. I’m taken back to the anxiety and ambition felt by my 21-year-old self, a first-year law student. Urgency permeates the pages, sandwiched between black pebbled leatherette covers and filled with tight penciled scribbling. An exclamation point follows almost every appointment or task: “Do Procedure homework!” “Copy Con Law outline!” “Start preparing and sending out letters and résumés!” Question marks accompany enjoyable activities of dubious productive value: “Watch Melrose Place?”

I am impressed by my sense of duty and my diligence (and my superb handwriting, the letters tiny but wonderfully legible after all these years). To me as a 1L, everything was a crisis, everything was high priority, everything required immediate and intense attention. Disasters lurked around every corner: public embarrassment in Owen Fiss’s (highly Socratic) Procedure class, due to neglected reading; a poor performance on Akhil Amar’s exam in Constitutional Law, caused by a missing outline; or unemployment for the summer, resulting from insufficient diligence in submitting applications. And this was at Yale Law School, where the first semester goes ungraded, there is an institutional ethos against appearing

to exert excessive effort, and employment opportunities tend to be plentiful. I can only imagine how I would have fared in the Harvard Law School described by Scott Turow in *One L*.

Yale Law School in the late 1990s wasn't nearly as brutal as Harvard Law School in the late 1970s.<sup>3</sup> But my time as a 1L, while perhaps less dramatic and challenging than Turow's first year at HLS, fell far short of perfection. I experienced a huge amount of unnecessary stress, I didn't enjoy the experience as much as I could (or should) have, and I could have gotten even more out of the year than I did.

If I were to do it all over again, I can think of many things that I would do differently. For the benefit of current and future law students, here are three recommendations, derived from my 1L experience, as well as the experiences of the many lawyers I have met as a journalist covering the legal profession.

1. LOOK BEFORE YOU LEAP: MAKE AN  
INFORMED DECISION ABOUT GOING TO LAW SCHOOL  
*(and don't go directly from college to law school,  
if you can help it).*

Like so many others both before and after me, I went to law school because I didn't know what else to do with myself. As then-Dean Anthony Kronman told me at some point during my 1L year—after he asked what brought me to law school, and I confessed that I wasn't really sure—law school is “the great American default option,” for smart and motivated young people “who can't stand the sight of blood.”

As an undergraduate at Harvard, I majored in English—not a terribly marketable degree. I enjoyed writing and arguing; I penned a column for the *Crimson* and I competed on the debate team. In my senior year, I applied to a few law schools and a handful of fellowships. When none of the fellowships came through, law school was the obvious option. Everyone else I knew was doing it, so how bad could it be?

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3. Harvard Law School seems to have mellowed too. See SCOTT TUROW, *ONE L: THE TURBULENT TRUE STORY OF A FIRST YEAR AT HARVARD LAW SCHOOL* 277 (Penguin Books ed. 2010) (1977) (describing Harvard Law in 2010 as “a kinder and gentler place, especially in the wake of the deanship of Elena Kagan, who worked a sea change by emphasizing that the students, not the faculty, deserved to be the first concern of the institution”).

Looking back now, I don't regret going to law school, but I do wish I hadn't gone directly from college to law school. As a straight-from-undergrad 1L, I found myself studying with (and competing against) former Navy SEALs, McKinsey consultants, magazine editors, and Rhodes and Marshall Scholars. My lack of life experience, compared to their life-changing experiences, gave me a crisis of confidence; it made me anxious and insecure. Partly as a result of this insecurity, I became what law students today call a "gunner," sitting in the front row of classes and participating in classroom discussion overzealously, sometimes to the point of obnoxiousness—just to prove, to myself and to others, that I could hold my own against my peers. Had I arrived at law school more secure in myself, more comfortable in my own skin, I probably would have had a different, and better, first year (and so would my classmates).

I advise prospective law students to do something different between college and law school if they can. People who have some other experience prior to law school, whether working or traveling or pursuing other graduate study, seem to enjoy and get more out of the law school experience than those of us who came straight from undergraduate studies. They often exhibit greater maturity and grace under stress, and they often have a better sense of how a legal education fits into their broader professional plans, due to greater self-knowledge. If you've worked on a billion-dollar merger as an analyst at Goldman Sachs, conducted a foot patrol in an Iraqi village, or maintained order in an inner-city classroom as a Teach for America corps member, you will probably develop various qualities—self-confidence, self-awareness, a sense of perspective—that will stand you in good stead during law school.

Going to law school ultimately worked out for me. After graduation, I practiced for several years, which I enjoyed, before entering legal journalism, which also draws upon my knowledge of law and the legal profession. But I consider myself very fortunate. My parents generously paid for my legal education, so I emerged from law school debt-free, and I had ample employment lined up at the time of my graduation—a clerkship with a federal appeals court judge, and an offer to return to the firm where I had spent my 2L summer. And the legal economy was so strong back then: the profession's most lucrative years still lay ahead of it, almost a decade of record expansion and profitability for the nation's largest law firms.

In the intervening years, much has changed—for the worse, in many respects. The Great Recession did not spare the legal profession. As chronicled on *Above the Law*, the blog that I founded in 2006, legal employers were forced to resort to layoffs of attorneys and staff, deferrals of incoming lawyers, and salary freezes or cuts, just in order to survive the economic downturn (and some firms, sadly, did not survive). Meanwhile, as many legal employment opportunities vanished, law schools continued to raise their tuition, generally at a pace significantly outstripping inflation.

As a result of these changes, many people who have followed in my footsteps, going to law school “by default,” have come to regret that decision. Numerous law school graduates, after taking out six figures’ worth of student loans, find themselves unemployed or underemployed after graduation. The plight of these individuals has received coverage not just in legal publications and websites, but in national and even international newspapers and magazines.<sup>4</sup>

For the record, I am not a law school naysayer.<sup>5</sup> Pursuing a law degree remains a good decision for many, and the legal profession still offers a wide range of deeply fulfilling career opportunities. But becoming a 1L is not a decision to be made lightly—especially since the benefits of a J.D. degree have arguably decreased, and the costs of obtaining one have most definitely increased in recent years. Prospective law students should carefully consider whether they should go to law school, ideally with the benefit of some post-undergraduate experience to help them make the choice.

## 2. MAKE FRIENDS AS WELL AS GOOD GRADES.

If you do decide to go to law school, remember that you are paying not just for classroom instruction and casebooks, but for the privilege of rubbing shoulders with future leaders of the legal profession (and beyond).

4. See, e.g., Annie Lowrey, *A Case of Supply v. Demand*, SLATE (Oct. 27, 2010), [http://www.slate.com/articles/business/moneybox/2010/10/a\\_case\\_of\\_supply\\_v\\_demand.html](http://www.slate.com/articles/business/moneybox/2010/10/a_case_of_supply_v_demand.html); David Segal, *Is Law School a Losing Game?*, N.Y. TIMES, Jan. 9, 2011, at BU1; *Trouble with the Law*, ECONOMIST (Nov. 11, 2010), <http://www.economist.com/node/17461573>; Alex Williams, *No Longer Their Golden Ticket*, N.Y. TIMES, Jan. 17, 2010, at ST1; see also Elie Mystal, *Debt: The Silent Killer*, ABOVE THE LAW (Jan. 6, 2010), <http://abovethelaw.com/2010/01/debt-the-silent-killer/>.

5. See, e.g., David Lat, *In Defense of Going to Law School*, ABOVE THE LAW (July 13, 2010), <http://abovethelaw.com/2010/07/in-defense-of-going-to-law-school/>.

Get to know your classmates—not just because some of them are wonderful people, or because you might enjoy it, but also because, from the most crassly instrumentalist point of view, some of them will someday be in a position to help you. What Scott Turow observed about Harvard Law School could be said of law school in general: it is “cheerfully assumed to be the training ground for the power elite.”<sup>6</sup>

Even though we’re not yet fifteen years out of law school, many of my classmates have already achieved remarkable success, both within and beyond the legal world. They are partners at leading law firms, law school professors (and even deans), successful businesspeople, and rising stars in the political world. People a few classes ahead of us are already becoming judges (which is, by the way, one sign that you’re getting old). I’m proud of the achievements of my law school friends and classmates, and I expect this pride will only grow over the coming years.

I just wish I had gotten to know my classmates better, back when we were still in school together. As I think back on my first year in law school, I am struck by how little socializing I did. My appointment book contains entries for the occasional lunch with a friend or birthday party for a classmate, but not much more; like so many 1L students, I spent much of the year in the company of my books. A typical dinner involved reading from a casebook while devouring chicken and broccoli from a Chinese take-out joint on Chapel Street.

Much of the socializing I did do was with people outside of the law school, such as an old high school friend of mine, who recently graduated from Yale College and was working at a research laboratory in New Haven, and one of my roommates from college, who was a grad student in political science at Yale. Hanging out with these non-law-school friends offered an escape from stress-inducing gossip about outline groups, the Yale Law Journal selection process, and summer job searches.<sup>7</sup> But structuring my

6. TUROW, *supra* note 1, at 230 (noting that “it is simply assumed at HLS that a Harvard J.D. is a stepping stone to big things,” and that professors viewed their students as future judges, law professors, and political leaders).

7. Scott Turow and his wife Annette may have had a similar experience at Harvard Law School. *See id.* at 120 (“The law school has not provided a community with which we’re eager to get involved. It’s not a social place. On the weekends we’re all just as happy not to see each other. And with good reason. On the few evenings we’ve had law-school friends here, as we did last night, the conversation has centered obsessively on HLS.”).

social life in this way, while understandable, caused me to miss out on many opportunities to get to know my fellow classmates. (My decision not to live in the law school dorms—YLS had dorms back then—exacerbated the problem.)

In the years since graduation, I have belatedly discovered how many wonderful classmates I had at Yale. I have become close friends with people who were just friends in law school, and I have become friends with people who were just acquaintances. With law school over a decade behind us, and with our professional paths diverging in so many different directions, we're secure enough in ourselves to no longer feel threatened by each other's success. Instead, we can just enjoy each other's company and friendship.

But I still regret that I didn't make more friends while in law school—perhaps due to fearing my classmates, to seeing them as competitors rather than allies. Don't make the same mistake that I did. Law school can be fearful, and brutal, and grueling, but going through the ordeal with friends will make it much easier to endure.

### 3. CALM DOWN.

This last piece of advice is much easier to give than to follow—especially for law students, who tend to be anxious and hyper-competitive,<sup>8</sup> and especially in this economy, where academic performance as a 1L can play a major role in determining employment opportunities. But if you have a tendency to get nervous and overwrought—which I did, as a law student, and still do, years later—you really should try and relax.

A certain amount of stress can be helpful, even necessary, for success in law school. It motivates law students to excel, both inside and outside the classroom. At a certain point, however, the stress becomes counterproductive. Try to figure out, while you're still a law student, where that tipping point lies for you; it's a skill that you'll be able to draw upon for years (or at least when you're studying for the bar exam).

In the end—thanks in part to my neurosis and paranoia, my appointment book filled with exclamation points—I survived, and even thrived during, my first year as a law student. I earned good grades, I made it on

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8. See *id.* at 287 (describing the “personality types drawn to the law” as “articulate, assertive, frequently competitive—who will inevitably make one another nervous”).

to the Law Journal, I developed good relationships with my professors, and I forged friendships that I maintain to this day. I learned a staggering amount, and I enjoyed the experience overall (despite occasional periods of stress and loneliness, handled through self-medication with Chinese takeout).

I survived my first year of law school, Scott Turow survived his, and you will survive yours too, probably.<sup>9</sup> You might think that your particular challenges as a 1L are unique: maybe you're the first in your family or from your community to go to law school, maybe you're in a particular minority group that doesn't enter the law in large numbers, or maybe you're juggling law school with other work or family responsibilities. But given that tens of thousands of people graduate from law school in the United States each year, it is likely that someone has confronted, and overcome, obstacles similar to the ones you're facing.

To reassure you about the 1L experience, I could leave you with the words of Nietzsche: "What does not kill me, makes me stronger." Or perhaps the old proverb: "This too shall pass." But I prefer the immortal words of Sven—I don't actually know if that's his name, it's just my guess—the deep-voiced narrator of Maelstrom, the Viking boat ride at Epcot Center's Norway pavilion:

"You are not the first to pass this way. Nor shall you be the last."

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9. Just kidding! Of course you'll make it.

