

5-1-2019

Can You Truly Be Happy in Law School? An Analysis of Law School Advice

Michael Conklin
Angelo State University

Follow this and additional works at: <https://scholarship.richmond.edu/lawreview>



Part of the [Law and Society Commons](#), [Legal Education Commons](#), and the [Legal Profession Commons](#)

Recommended Citation

Michael Conklin, *Can You Truly Be Happy in Law School? An Analysis of Law School Advice*, 53 U. Rich. L. Rev. 65 (2019).

Available at: <https://scholarship.richmond.edu/lawreview/vol53/iss5/5>

This Book Review is brought to you for free and open access by the Law School Journals at UR Scholarship Repository. It has been accepted for inclusion in University of Richmond Law Review by an authorized editor of UR Scholarship Repository. For more information, please contact scholarshiprepository@richmond.edu.

BOOK REVIEW

CAN YOU TRULY BE HAPPY IN LAW SCHOOL? AN ANALYSIS OF LAW SCHOOL ADVICE

*Michael Conklin **

HOW TO BE SORT OF HAPPY IN LAW SCHOOL.

By Kathryn M. Young. Stanford University Press, 2018.

There are many books available to help students navigate the more concrete aspects of law school, such as studying, exam strategies, how to brief a case, making law review, and on-campus interviews. Kathryn M. Young, in her 2018 book, *How to Be Sort of Happy in Law School*,¹ primarily focuses on the more intangible side. The 300-page book dedicates only forty-three pages to the topics of studying and exam strategies. Young's format frees up space to cover the more amorphous aspects of law school. This review will analyze the book's coverage of critiques of the law school structure, indoctrination attempts, and how to maintain a healthy perspective.

The most enlightening part of the book is found in its critique of law school pedagogy. Young criticizes the almost-universal law school practice of grading solely on the results of a final exam. The lack of any assessments throughout the semester leading up to the final is described as "lousy pedagogy."² Much like a boss who gave you a pile of work and said, "Don't talk to me until I review your finished product in six months," this methodology sets

* Assistant Professor of Business Law, Angelo State University. J.D., 2007, Washburn University School of Law; M.B.A., 2004, Oklahoma City University; Postgraduate Certificate in Law, 2010, University of London; Masters in Philosophy of Religion, 2015, Biola University. I can be reached at: mconklin@coloradomesa.edu.

1. KATHRYNE M. YOUNG, *HOW TO BE SORT OF HAPPY IN LAW SCHOOL* (2018).
2. *Id.* at 13.

people up for failure.³ It also fosters unnecessary anxiety, disproportionately punishes those who simply had one bad day, and disproportionately favors those students with connections about how to perform well on law school exams (because other students will take more time to figure it out).⁴

Criticism of the one-assessment method of law school is nothing new to anyone who has gone through the experience. Fortunately, Young goes on to provide other, more novel critiques. These include: (1) how the focus on competition erodes ethical decision making; (2) how law school incentivizes pessimism over optimism; (3) the Socratic method; and (4) the overall dispassionate view of the subject.

Young refers to research that suggests law school acts to erode ethical decision-making abilities because it focuses mostly on “competitive processes to the extent that they become the only goal.”⁵ There is also related research that found students’ subjective well-being consistently decreases throughout their three years in law school.⁶ In addition, students become less devoted to community service during this time.⁷ However, if law school is intended to prepare students to become lawyers, this focus on the competitive process may be necessary. The practice of law is often competitive due to the zero-sum-game nature of trial outcomes. Therefore, one could argue that the competitive reputation of law schools serves a valuable purpose, deterring those who are not suited for the profession.

In most professions, such as the practice of medicine, optimists outperform pessimists; the practice of law is the exception to this rule.⁸ This should come as no surprise when one considers how medical doctors are problem solvers and lawyers function more as problem finders. In law, this pessimism is rewarded because lawyers need to anticipate all potential, horrible outcomes in order to avoid them.⁹

3. *Id.*

4. *See, e.g., id.* at 248 (“Students with lawyers in their families, legal writing experience, an intuitive knack for legal analysis, or who are clued in early on about study strategies, are likely to do better on their first round or two of exams.”).

5. *Id.* at 39 (quoting Lawrence S. Krieger & Kennon M. Sheldon, *What Makes Lawyers Happy?: A Data-Driven Prescription to Redefine Professional Success*, 83 GEO. WASH. L. REV. 554, 568 (2015)).

6. *Id.* at 38.

7. *Id.*

8. *Id.* at 39.

9. *Id.*

It is unclear exactly how beneficial Young's critique of law school pedagogy is in a book designed to aid students in making their experience more pleasant. Yes, prospective students should be aware of the many challenges law school brings. Beyond that, going into detail about the shortcomings of the process provides little benefit to students.

The book accurately echoes the majority of research on the lack of effectiveness of the Socratic Method in large class settings, such as in law school.¹⁰ More specifically related to law school classrooms, Young points out that the Socratic Method does not effectively mimic the practice of law as some proponents claim.¹¹ Furthermore, what most law professors refer to as the Socratic Method is more accurately described as "cold calling."¹² Simply asking students to recite minute details from a case is not what Socrates had in mind.¹³

Likely the weakest criticism of law school methodologies in the book is Young's complaint about how law school addresses what the law is, not what it should be.¹⁴ While this may upset some idealists, what is the alternative? If law schools focused more on what the law should be and less on what it is, this would be a disservice to the legal profession, which focuses significantly more on the latter than the former. Furthermore, given the extreme lack of diversity of thought in faculty at some law schools,¹⁵ discussing what the law should be would likely resemble biased indoctrination more than legal education.

10. One such study on legal education reform concluded that there is "no support for the Socratic Method as it is practiced in law schools." Edward Rubin, *Curricular Stress*, 60 J. LEGAL EDUC. 110, 121 (2010).

11. YOUNG, *supra* note 1, at 210.

12. See ELIZABETH GARRETT, BECOMING LAWYERS: THE ROLE OF THE SOCRATIC METHOD IN MODERN LAW SCHOOLS 199 (1997), as reprinted in Elizabeth Garrett, *The Socratic Method*, U. CHI. L. SCH., <https://www.law.uchicago.edu/socratic-method> [<https://perma.cc/4L26-NFPL>] (last visited Apr. 1, 2019) (discussing what the Socratic Method looks like in modern law schools); M.T., *The Cold Call*, YALE L. SCH., <https://law.yale.edu/admissions/profiles-statistics/student-perspectives/cold-call> [<https://perma.cc/HH5H-W47A>] (last visited Apr. 1, 2019) (describing the practice of "cold calling").

13. *Id.* (describing the rationale behind Socrates' method and its effectiveness).

14. YOUNG, *supra* note 1, at 40–41.

15. For example, a 2004 study found that the University of California, Berkeley, had a roughly ten to one faculty ratio of Democrats to Republicans. Daniel B. Klein & Andrew Western, *How Many Democrats per Republican at UC-Berkeley and Stanford? Voter Registration Data Across 23 Academic Departments* 5 (Feb. 9, 2005) (unpublished manuscript), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=664045 [<https://perma.cc/T98G-344R>].

Unfortunately, much of the book goes beyond advice to improve the law school experience and borders on proselytizing to law students about Young's personal beliefs. For example, Young laments about how not enough people at her law school joined a protest designed to persuade Stanford to risk losing federal funds by not allowing Judge Advocates General to perform on-campus interviews while "Don't Ask, Don't Tell" was still official policy.¹⁶ In other places, Young instructs law students who think they witnessed a woman being judged, ignored, or excluded for her assertiveness to confront the person responsible.¹⁷ She also advises law students to commit "microinclusions" to counteract microaggressions.¹⁸

Young is also very passionate about pointing out how law students who come from affluent backgrounds will frequently have an advantage over those who do not.¹⁹ Yes, if your parents buy you a suit for interviews, a replacement when your laptop breaks, and have friends who are lawyers who give you advice, that will help law school go more smoothly. But it is unclear what benefit Young wants to impart to the reader by constantly bringing up this self-evident truth. She runs the risk of scaring disadvantaged demographics away from law school (and therefore also the legal profession). This is a shame because there is no reason to believe that the relative advantage of affluence is exclusive to law school. Furthermore, it is reductionist to engage in the stereotype that just because someone's parents are wealthy, they automatically have their financial needs met. Young concludes that the advantage affluent students have is something law schools need to address.²⁰ Absent from the book is any explanation as to how law schools should go about addressing this perceived issue.

Young also gives personal opinions couched as advice on controversial subjects, such as the existence of social privilege based on whiteness.²¹ One example provided is that when white people think they view black people as just people and not black people, Young asserts this is "simply not true."²² And to the contrary, this mindset allegedly works to strengthen white privilege. Much like the comments provided for her position on affluence, it is reduc-

16. YOUNG, *supra* note 1, at 72–73.

17. *Id.* at 84.

18. *Id.* at 177–78.

19. *Id.* at 94.

20. *Id.*

21. *Id.* at 88.

22. *Id.*

tionist and harmful to engage in the practice of making assumptions about people based solely on their skin color.

While it can be beneficial to hear an individual's perception of his or her law school experience, Young occasionally oversteps the line between giving advice on how to be happy in law school and indoctrinating the reader with her personal beliefs on controversial subjects. This would be like someone writing a law school advice book that advises the reader to join the Federalist Society. That author may personally prefer that everyone subscribe to that organization's beliefs, but joining the Federalist Society is not good advice for all law students.

Despite these personal preference mandates throughout the book, Young does a good job of not basing advice solely on her personal experiences. Many statistics and quotes are provided from her extensive research. A few examples of the diverse quotes from law students are:

"Law school can make you into the worst version of yourself;"²³

"No matter how hard I study, I feel like I'm barely managing to tread water;"²⁴

"I went to law school with the intention of helping people, but sometimes it seems like the law just makes it worse;"²⁵

"I can't get over that panicky feeling, [of being called on] whether I am 100 percent prepared or no;"²⁶

"[You can] be smart, do everything right, and not get an A."²⁷

These quotes create a sense of camaraderie and should help the reader realize that despite the outward appearance of their classmates, most of them are struggling with the same things they are.

As the title of the book suggests, its primary focus is not on how to get good grades. Young even refers readers to *Getting to Maybe: How to Excel on Law School Exams* for a more in-depth look at that subject.²⁸ Young focuses more on the soft topics such

23. *Id.* at 16.

24. *Id.* at 24.

25. *Id.* at 40.

26. *Id.* at 212.

27. *Id.* at 24.

28. *Id.* at 246; see RICHARD MICHAEL FISCHL & JEREMY PAUL, *GETTING TO MAYBE: HOW TO EXCEL ON LAW SCHOOL EXAMS* (1999).

as encouraging law students to consider not only how to get on law review and obtain on-campus interviews with big firms, but also to first question their motivations behind these goals. Young does this in different ways. She encourages students to consider not only what they want to *do* in the future, but also how they want to *feel* in the future.²⁹ She then instructs students to take a step back and examine why they want to feel that way.³⁰

At points, however, Young may overstate the importance of listening to your feelings.³¹ One such example is the suggestion of implementing the following test to determine if law students should sign up for a specific extracurricular activity:

Pretend that if you do Thing X, you will not be allowed to talk to anyone about it or list it on your resume. Would you still want to do it? If not, your motivations for it might be mostly extrinsic, which I would suggest means that the activity is not worth your time.³²

While reflecting on your motives is certainly worthwhile, this type of standard would result in a drastic drop in law school enrollment. After all, who would go to law school if they could not use their juris doctorate to help get a job afterwards? Sometimes in law school, as in life, you just need to do some things that are not enjoyable in order to reap some later reward.

Given the sprawling nature of the subject, the advice covers a wide variety of subjects. To address the issue of students struggling with not being the smartest person in the class for the first time, Young advises, “Feeling like you are no better equipped than anyone else is a sign that you are exactly where you are supposed to be.”³³ She also encourages students to focus more on becoming better versions of themselves rather than trying to be better than their classmates.³⁴

Other topics addressed are: how many aspects of law school are portrayed as make-or-break moments in your career,³⁵ when in reality they are not; how to deal with “imposter syndrome,” which is essentially the practice of belittling your own success;³⁶ how the

29. YOUNG, *supra* note 1, at 34.

30. *Id.*

31. *See id.* at 68.

32. *Id.* at 68.

33. *Id.* at 25.

34. *Id.* at 26.

35. *See, e.g., id.* at 248–49.

36. *See id.* at 21–24.

fear of social stigma causes law students to not seek help from peers, administrators, professors, or family members;³⁷ and how to assess whether you should drop out of law school.³⁸ And of course, no matter how much your professor emphasizes not using commercial study aids, you should.

The tone of the book is refreshingly pleasant given the heavy subject matter it covers. Young utilizes a very conversational approach, and there is humor throughout (such as comically pointing out that if you stole the money to pay for law school you would likely be let out of prison before your classmates paid off their loans).³⁹

Overall, Young does an excellent job preparing the reader to navigate the unique emotional challenges law school presents. The coverage of this topic is unmatched in any other law school advice book. While the book's advice on exam strategy is helpful, it is also very limited. Therefore, a reader concerned with improving his or her grades would be well advised to supplement this book with *Getting to Maybe: How to Excel on Law School Exams*. This book is an invaluable resource for anyone who wants to be "sort of" happy in law school.

37. *See id.* at 27.

38. *See id.* at 47–61.

39. *See id.* at 223–25.