

THE ROLE AND RESPONSIBILITIES OF PRE-LAW ADVISORS

PREFACE:

Definition and Overview

Pre-law advising is a specialized function encompassing both personal counseling and career counseling. The pre-law advisor is called upon to know both the individual being counseled and the educational and career possibilities within the legal profession. This statement of the role and responsibilities developed by the Pre-Law Advisors' National Council (PLANC) is designed to suggest the responsibilities that this form of advising requires and to provide general guidelines for the effective fulfillment of this role. Performance of the responsibilities of the pre-law advisor, of course, varies according to the individual style of the specific pre-law advisor, the resources available, and individual student needs.

The basic functions of the pre-law advisor include collecting, organizing and providing for students appropriate information concerning legal education and the legal profession, sponsoring a pre-law club, and assisting students in the application process. This assistance usually includes, but is not limited to, supplying basic information and appropriate materials such as information on the Law School Admission Test (LSAT), the Law School Data Assembly Service (LSDAS), financial aid forms; answering students' questions; writing letters of evaluation for applicants; and informing students about deadlines and fees. Pre-Law advisors may wish to consider such additional functions as facilitating internships or law related experiences and developing contacts with local bar members. Though a pre-law advisor should not make any specific decisions for an applicant or a potential applicant, it is entirely appropriate to suggest questions that stimulate thought and facilitate decision-making on the part of the applicant.

Within that context, it is the goal of the Pre-law Advisors' National Council and of the six regional Pre-law Advisors' Associations to encourage professionalism on the part of pre-law advisors. "Professionalism" in this sense refers not to the creation of a profession of pre-law advising, since most pre-law advisors have other primary functions and professional identities, but rather to the process whereby the pre-law advising is accomplished.

I. RELATIONSHIP TO APPLICANTS

The pre-law advisor should seek to be a facilitator in the pre-legal decision-making and admissions process, bringing together in an appropriate mix knowledge of the advisee's needs and ambitions with information on various law schools and legally related careers. Advisors are in a unique position to combine these variables into satisfactory and rewarding applications and admissions patterns.

A. Delineation of Responsibilities

The primary clients of the pre-law advisor are the students at the institution the advisor serves including graduates insofar as this is consistent with the institution's policy and ability. The advisor's first obligation is to meet the needs of these students. The advisor, to be sure, should be cognizant of the goals and standards of individual law schools and should assist in meeting these insofar as this facilitates the advising of the primary clients, the students. In some cases, it may be necessary and proper to distinguish between the needs of the student advisee and the goals of a given law school. Advisors should seek to guide individual advisees with candor and with emphasis on each advisee's particular needs. In each instance, advisors should strive to tailor the depth and strength of their advice according to the depth and strength of their knowledge.

B. The Pre-law Advisor as Advisor and Facilitator

In performing the basic functions of information gathering and dispensing, and of advising students, the advisor should seek to assume the role of a facilitator. Properly performed, this role implies asking thought-provoking questions, directing the student to resources, contacting appropriate persons or organizations on behalf of students when and where appropriate, e.g. Law Services, other Pre-law advisors, APLA leaders and suggesting criteria to be used by the student in (1) decision-making with reference to choosing law as a career, (2) selecting schools to which applications should be sent, (3) completing the applications, and (4) choosing the school to attend.

The role of facilitator is subject to many variables and defies exact description both in kind and in degree. Certain limitations may, however, be suggested. Perhaps these limitations can best be conveyed by using the imagery of a coach - one who prepares the players and advises during the game, but does not play in the game itself. The advisor may well choose, for example, to review a student's personal statement and completed application and make suggestions, but should not assume the responsibility of actually completing applications or writing personal statements. Above all, the advisor as facilitator should not assume the role of decision-maker.

C. Counseling Minority Students

Members of minority groups may have special needs that require expertise on the part of pre-law advisors. Advisors should inform minority applicants of special admission procedures operative at many schools and of information and programs concerning the preparation for, and financing of, a legal education available through the Council on Legal Education Opportunity (CLEO), 1420 N. Street, N.W., Suite T-1, Washington, D.C. 20005. Pre-law advisors can also make minority students aware of relevant student organizations in law schools. The advisor should not hesitate to contact law schools directly for further information.

D. Counseling Students with Special Needs

Some students will have particular needs, and pre-law advisors will be asked to provide information about specific opportunities available to meet these needs. For example, the Law School Admissions Council tries to make special accommodations for handicapped applicants who wish to take the LSAT. *The ABA•LSAC Official Guide to ABA Approved Law Schools* published by Law School Admission Council/the American Bar Association, contains information about these opportunities. Likewise, many students may hesitate to apply to law school because of their financial situation. The pre-law advisor should make these students aware of the possibilities of arranging a combination of grants, loans, personal savings, and part-time earnings to defray the expenses of a legal education.

E. Sponsoring A Pre-Law Club

Many pre-law advisors have found that a student pre-law club has been of great value in helping students gain knowledge of the legal profession; its options, opportunities, and pitfalls. Such a club or organization can serve as a vehicle for the dissemination of information and as a focal point for law school admissions officers, practicing lawyers, and others who are invited to campus. A number of colleges and universities have such organizations, and pre-law advisors are quite willing to share their experience and expertise with those who want to organize and sponsor a club on their campus. Advisors may wish to consider establishing pre-law clubs on their campuses and might look into organizations that relate directly or indirectly to pre-law advising including, but not limited to Phi Alpha Delta (PAD), the American Mock Trial Association (AMTA), and the American Collegiate Moot Court Association (ACMA).

F. Providing Information Concerning Specific Law Schools

A pre-law advisor should have available as much information about specific law schools as possible for use by students. Law schools are quite willing to honor requests for catalogues, brochures concerning special opportunities and programs, and other information useful to the prospective applicant. It is appropriate for the pre-law advisor to suggest to the applicants criteria for selecting law schools they may wish to consider. Such criteria might well include, but are not limited to, admissions standards, costs, and availability of financial aid, location, employment data, special programs, and special opportunities. It may be equally appropriate for the pre-law advisor to suggest specific schools for the student's consideration. Such suggestions should be based on available information, the pre-law advisor's own knowledge of, and experience with, specific schools as well as the experience of alumni from the particular undergraduate institution who have graduated from, or are currently, attending law schools. Such specific suggestions should be as bias-free and current as possible. Once a student has examined and explored potential options in terms of specific law schools, the pre-law advisor may wish to assist the student in refining a list of schools, keeping in mind the considerations noted above. The advisor should encourage applicants to apply to as many schools as appropriate and consistent with their individual interests, qualifications, and resources.

G. Evaluating and Ranking Law Schools for Applicants

Pre-law advisors are frequently requested to evaluate an individual student's chances of obtaining admission to specific law schools. Through the use of published information provided by individual law schools about the LSAT scores and grade point averages of their accepted and enrolled students, an advisor can help a student prepare a reasonable list of possible schools to which applications may be made. However, since non-quantitative factors such as work experience, demonstrated leadership ability, and outstanding achievement in a given area may well play a role in the reviewing of an application, and since quantitative standards for acceptance may vary from year to year, the advisor should be cognizant of subjective criteria and varying data not readily apparent to applicants, and encourage applicants to apply to schools that may appear to be "long shots" as well as to those that are considered as "good chance" and "likely admit."

A more vexing question is that of "ranking" law schools. Frequently, students will have access to published rankings and ask for comments. Since ranking is an inexact science at best, and nothing more than a reflection of personal opinion at worst, pre-law advisors should encourage students to evaluate schools by methods other than merely using ranking lists. Three guidelines may be suggested from the outset. First, when looking at published lists, the methodology employed in assembling the list should be thoroughly examined. Second, the student should be reminded of the fact that the crucial question is not "What is the best law school?" but "What is the best law school for me?" Third, the student should be informed of the fact that any ABA-approved law school will provide a complete and competent legal education. In determining the best law school for an individual applicant, the pre-law advisor might suggest a number of questions that may be helpful in stimulating thought: location (the student should be encouraged to visit the school if possible); admissions criteria; financial aid; facilities; diversity of student body; experience of previous undergraduates from the applicant's undergraduate institution at that school; placement factors; local/regional/national reputation of a law school; the student's own perception of educational and career goals. In this process, the student should be encouraged to consider both immediate and long-range implications of the choice of a given law school.

Immediate implications might well include desirability of location from the student's viewpoint, distance from home, financial considerations, living facilities, and work opportunities while in school. Long-range implications may center on placement opportunities in general as well as those in a specific area attractive to a student.

Students considering a law school not approved by the American Bar Association should be urged to be extremely cautious and to investigate it thoroughly. Potential applicants should be made aware of the serious disadvantages of attending a non-approved law school, which may include ineligibility for the bar exam and reduced job opportunities.

H. Advising the Pre-law Student on Undergraduate Curriculum

Some schools offer a well-defined "pre-law" curriculum while others do not recommend specific courses for pre-law students. Whichever approach is taken, there is a common consensus that a broad-based academic experience well grounded in the liberal arts provides the best preparation for law school.

The sections on "Preparing for Law School," contained in The ABA-LSAC Official Guide to ABA Approved Law Schools published by Law School Admission Council/American Bar Association suggest approaches to advising the pre-law student on an undergraduate curriculum. By common agreement, courses that lend themselves to the creation of a context in which law may be better understood, courses that augment communication skills and courses that sharpen analytical skills, are valuable preparation for law school. Pre-law advisors should identify themselves to other academic advisors and express their willingness to consult with both students and advisors on matters pertaining to curriculum and course selection.

I. Advising the Pre-law Student on Preparation for and Taking the LSAT

The pre-law advisor should have available to students the LSAT/LSDAS subscription packet and should possess a reasonable knowledge of their contents. *The Law School Admission Reference Manual* published annually by the Law School Admission Council, provides the necessary information and examples. Students should be advised to register in a timely manner for the LSAT/LSDAS process and to choose that LSDAS service appropriate to their individual needs. Fee waivers for LSAT/LSDAS services are available for students with financial need. Students demonstrating such need should contact a law school admissions officer. For most students, it is advisable to take the LSAT in the summer or fall prior to the year of entrance into law school. Students should be informed of the advantages and disadvantages of each test date.

Pre-law advisors also have to deal with the question of preparation for the LSAT. Here again, there are a variety of opinions on the matter, but most agree that some kind of preparation for the LSAT is advisable and beneficial. The statement published in *ABA-LSAC Official Guide to ABA Approved Law Schools* can serve as a starting point: "Most law school applicants familiarize themselves with test mechanics and question types, practice on sample tests, and study the information available on test-taking techniques and strategies. Though it is difficult to say when examiners are sufficiently prepared, very few people achieve their full potential without some preparation." The operative phrase is "very few people achieve their full potential without some preparation." The pre-law advisor should acquaint students with various means of preparing for the LSAT in addition to the commercial preparation courses. These alternatives include sample/practice materials available from [Law Services](#) and commercial preparation books. In situations where it is practical and advisable, the pre-law advisor may wish to set up preparation sessions. Some pre-law advisors have done this with a great deal of success and may be willing to share their experience.

The commercial preparation courses present the most difficult part of the question of preparation for the LSAT. In advising a student about these commercial courses the following caveats should be kept in mind: (1) commercial preparation agencies are in the business primarily to make money; (2) alternate means of preparation, such as The Official LSAT Prep Test are available; (3) the student should be skeptical of any course that makes extravagant claims or guarantees about its ability to raise a student's score; (4) the LSAT is not an achievement test; therefore there are limits as to what any form of preparation can do (i.e., there is a difference between being able to prepare for a test and studying a given body of knowledge for a test).

Although students have the option of retaking the LSAT, they should be made aware of the problems associated with multiple test scores. First, all scores are reported to the law schools along with an average score. Second, for most students, retaking the test does not result in a significant increase in the score. In

deciding whether or not to retake the test, students should consider such factors as their physical health or emotional state at the time of the first test, and how consistent their LSAT score was with that of previous standardized tests. The overall guideline is to proceed with caution before retaking the test.

J. Advising the Pre-law Student on Financial Issues in Preparation for Legal Education

Pre-law advisors are in a position to provide a financial component to their advising services. Because consumer debt and increasing cost of attendance affects a student's ability to enroll in law school, at least minimal information can be provided through advising. Pamphlets, brochures, videos, websites and other training materials are available to pre-law advisors to include in their libraries for their students.

In addition, knowledge and understanding of the financial aid process, i.e. applying for federal and private loans, will greatly aid the pre-law advisor in counseling students. There are currently several organizations that can provide training materials.

K. Suggesting Alternative Career Options

Just as a lawyer might suggest alternatives to litigation, so the pre-law advisor may sometimes feel the necessity of suggesting and encouraging students to consider alternative career patterns. Such an approach may be valuable early on in a student's academic career if there is evidence that the student's academic performance may seriously limit law school options, or if the student has an unrealistic self-image or view of the legal profession. The advisor should encourage self-evaluation of talents, strengths, weaknesses and interests, and at the same time encourage the student to seek real knowledge of those professions that may match these characteristics. The pre-law advisor should discuss the option of waiting and working a year or more before applying to law school. The student may be reassured by the fact that the average age of those entering law school is 25.6 and some law students qualify for the category of "senior citizens." Students who choose to take time off before law school may be well advised to establish a file of recommendations and relevant materials.

II. RELATIONSHIPS TO LAW SCHOOLS

Though, as stated previously, the student is the pre-law advisor's primary client, the advisor should seek to balance in a fair proportion the needs of the student with the needs of law schools. The concerns of all three constituents, - student, pre-law advisor and law school - can best be met by the establishment of a close working relationship with law school admissions officers. This sort of relationship can be fostered in many ways, the best and most efficient being attendance at regional pre-law advisors' conferences.

A. Visits to Law Schools

Many pre-law advisors have found that visits to law schools enhance their knowledge about them. Increasingly, law schools are inviting pre-law advisors to visit as their guests. These invitations may raise ethical questions for some pre-law advisors. No one should feel under any obligation either to accept an invitation or, if the invitation is accepted and the visit made, to take anything other than an objective attitude toward that law school. Law schools planning such events should be urged to give advisors, during the course of the visit, an opportunity to meet privately with students from their undergraduate institution who are currently enrolled in the school.

B. Visit by Recruiters to Campus

Pre-law advisors should encourage law schools to send recruiters to their campuses. These recruiting visits can take various forms, the singular visit or a law school fair in which a number of recruiters from law schools are invited to visit at a single designated time. Where a fair seems to be desirable, participating law schools may be asked to pay a nominal fee. Such charges should be fair and equitable and have a reasonable relationship to expenses incurred. These charges should not be assessed for income-generating purposes.

In planning for visits by recruiters either singly or at a fair, efforts should be made to organize the event well in advance, to notify students adequately, and to see that the event is mutually beneficial for both the student and the recruiter. For maximum efficiency, the pre-law advisor may wish to coordinate such events with neighboring institutions by either holding joint fairs or holding events on successive days.

C. Interpreting Indefinite Application Responses

Often the initial response from a law school will be to place a student's application in a "holding" category, most often defined as wait-list or no decision. The pre-law advisor can be of assistance in two major ways. First, the advisor can assist in determining the implications of being placed on a wait-list at a given school. Since admissions offices vary in their procedures, few general rules apply. Some schools maintain large wait-lists, others short ones. In any given year a school's ability to admit additional students from wait lists may vary according to the initial yield. The pre-law advisor may wish to contact the admissions officers at law schools or urge students to do so to ascertain the likelihood of eventual admissions and the operative time frame.

Second, the pre-law advisor should encourage students placed on wait lists or in a holding category to find out what additional information - recent grades, recommendations, etc. - might be helpful to the law schools. In brief, both the pre-law advisor and the applicant should assume active roles in wait-list situations. Additionally, pre-law advisors should encourage students to take their names off wait-lists once they have decided not to attend a particular school.

D. Multiple Acceptances/Deposits

Students will often be accepted at several law schools and, in an extension of Murphy's Law, will frequently hear from their last choice first. Initial deposits often fall due before the student is able to make a final decision. The Law School Admission Council has recommended that no law school require a deposit in order to hold a seat prior to April 1. Any failure by a law school to adhere to this deadline should be reported to the appropriate regional Pre-law Advisors' Association that will make this fact known to its members. This would not, of course, apply to any Early Decision Plan offered by a law school. The pre-law advisor should urge the student to seek an extension of the deadline for a deposit, especially if the student has not received a decision on financial aid or has heard nothing from a more preferred law school. Should a law school deny the request, the student should be urged to make a deposit at the most desired school where admission has been offered. Sometimes it may be appropriate for a student to place deposits at more than one school in order to create more time for making a decision, but multiple deposits should be discouraged unless there is a clearly valid reason for them. When multiple deposits are made, the student should be urged to release a seat no longer wanted as soon as possible, in fairness to both the law school and other applicants.

III. WRITING LETTERS OF EVALUATION/RECOMMENDATIONS

In many institutions, the pre-law advisor is the official designated to write letters of evaluation or recommendation, and to complete college questionnaires or other forms as required by law schools. Though this task can often be time consuming and demand a great deal of effort, it is both a necessary and a valuable

part of the process. Some of the problems and concerns connected with the recommendation process are formulated below.

A. Confidentiality/Waiver of Right to Access

Under the Family Educational Rights Act, the so-called Buckley Amendment, students applying to law schools in the United States have the right of access to letters of evaluation/recommendation written for them. Though students may exercise this right, they should be aware that a number of law schools have indicated that the most helpful letters are those for which the right of access by the student has been waived, thus ensuring confidentiality and candor. Pre-law advisors should also be familiar with their own institution's policy on the release of information. Regardless of whether or not the student has signed a waiver, all transactions between student and pre-law advisor should be treated as confidential.

Impinging upon the question of confidentiality is the "self completing" application used by some law schools. Such applications request students to collect letters of recommendation in sealed envelopes and forward them with their application. Because this process creates the possibility of a breach of confidentiality, the Pre-Law Advisors' National Council and some educational institutions have gone on record opposing this process and have asserted the right of all recommenders to send their letters directly to law schools. When there is such a policy, whether institutional or personal, pre-law advisors should inform advisees, faculty, and law schools of this stance.

B. Dean's Letter/College Questionnaire

Many law schools require citizenship and character certification, commonly known as a "Dean's Letter" or "College Questionnaire." Undergraduate institutions vary on the handling of this information, as do law schools in requesting the types of information desired. Pre-law advisors should be thoroughly familiar with their institutions' methods of handling such requests and are advised, where the situation permits, to be designated as the college official responsible for completing these forms. Since these forms are required in order for the applicant's file to be complete, pre-law advisors should be aware of what information their particular school provides (e.g., class standing, the nature of disciplinary actions that are deemed reportable, etc.) and so inform the student. In all cases, the applicant should be advised to be candid in reporting citizenship, legal matters, and other data that might act as impediments to eventual admission to the bar. In the long run, failure to report this information may prove to be more damaging than the actual nature of the information itself.

C. Content and Timeliness of Letters of Recommendation/Evaluation

In addition to the "Dean's Letter" or "College Questionnaire," pre-law advisors are frequently requested to write letters of recommendation/evaluation. Often pre-law advisors can perform a valuable service in writing these letters because they have the unique opportunity to view the student in a total setting: academic; non-academic; and personal. In general these letters should include: (1) degree of knowledge of applicant; (2) assessment of the student's overall academic performance, including difficulty of curriculum, course selection, improvement (or decline) in performance, factors affecting performance, and testing history; (3) contributions to campus life; and (4) assessment of personal qualities relevant to the student's performance in law school and as a lawyer.

Letters of recommendation/evaluation and Dean's letters should be completed promptly. As a part of the pre-law advisor's professional responsibility, all deadlines should be met if the request from the student has been made in ample time. When, for valid reasons, pre-law advisors cannot meet stated deadlines, law schools should be informed of this. Students should be urged to monitor their files to insure that all materials have been received in a timely fashion. Since many law schools use a "rolling admissions" procedure, it is

often valuable to forward letters prior to their stated deadlines.

D. Candor

The pre-law advisor is under no obligation to write letters of recommendation/evaluation for any student. An advisor who considers it impossible to write a letter that will be of support and benefit to the student or that will be helpful to the law school, should advise the student of this fact. Once the obligation is assumed, the advisor and the applicant should understand that such a letter will be written with candor. In the long run, neither the applicant nor the law school benefits from letters that lack objectivity.

IV. INSTITUTIONAL RELATIONSHIPS

Pre-law advisors should stress the value of their function and promote it as an important service to both students and the institution by:

- (1) raising the level of awareness of pre-law advising on the part of both students and administration;
- (2) requesting financial support for programs, publications, secretarial assistance, membership in regional Associations, and purchase of materials from Law Services, when such materials are not provided at no cost from Law Services.
- (3) securing adequate space for catalogues, brochures, and materials essential to preparation for law school;
- (4) reporting their activities to appropriate administrative officers;
- (5) seeking adequate release time from other duties to perform pre-law advising duties;
- (6) obtaining professional recognition of pre-law activities.

V. PROFESSIONAL RELATIONSHIPS

Pre-law advisors are encouraged to share their knowledge, experience, publications, and ideas with other pre-law advisors. In the past, many pre-law programs have been enhanced by this sharing process. Of course, where publications are shared, any use by the recipient should give appropriate credit to the originating source.

The most effective means of coming to know other advisors and admission officers of law schools and sharing useful information is by actively participating in one of the regional Pre-law Advisors' Associations. Such participation has as its primary goal increasing the effectiveness and professionalism of pre-law advising. At the same time, getting to know other advisors and admission officers provides an opportunity for networking with an interesting and enjoyable cadre of people whose common interest, the pre-law student, can lead to valuable interchanges of ideas and resources. The six regional organizations cover the continental United States. They are the Midwest Association (MAPLA), the Northeast Association (NAPLA), the Pacific Coast Association (PCAPLA), the Southern Association (SAPLA), the Southwest Association (SWAPLA) and the Western Association (WAPLA). For further information go to the PLANC website (<http://www.planc.org/>) for links to all the APLAs. The Pre-law Advisors' National Council (PLANC) acts as a liaison among these Associations and serves as a link with the agencies and organizations involved in legal education and the legal profession.

In the Preface to this statement of the "Role and Responsibilities of Pre-law Advisors" the basic functions were outlined. In the fulfilling of these functions pre-law advisors are encouraged to contact their colleagues and to use the resources of Law Services including *ABA.LSAC Official Guide to ABA Approved Law Schools* and the Law School Admission Reference Manual. Regional Associations also have a variety of materials including handbook and newsletters. The Pre-law Advisors' National Council (PLANC) twice a year publishes PLANC POINTS, which offers further information for pre-law advising. One of the notable characteristics of pre-law advising is the willingness of advisors to share with others.