

Resolution on Law Schools and Legal Education

1.WHEREAS – Law school curriculums often discourage critical political and legal thought, presenting the law in a reified form, as a thing existing independently of the social reality of its application. Law students are trained to work under the assumption that ‘the law’ governing any given dispute is potentially discernible simply through statutory and case history analysis, implicitly denying the role of political and material constraints on judicial behavior.

2.WHEREAS – Legal perspectives such as critical legal theory, critical race theory, feminist legal theory, analytical jurisprudence, and others that question the dominant ideological understanding of the law’s role in society, are frequently not available to students. When these perspectives are taught in law schools, they are almost always limited to seminars, partition from the standard classes in substantive topics in law. The effect is to relegate them to sub-disciplines onto themselves, excluded from the analysis of major subjects in law. When asked to analyze a fact pattern, students are credited almost exclusively when they draw from a limited set of traditional legal arguments that can be reconfigured to suit the needs of any prospective client, further reinforcing the assumption that cases are decided on the logical strength of their arguments. This is an assumption widely questioned in academia and practice.

3. WHEREAS – Most law schools enforce grade curves, where the number of students permitted to receive desirable grades is capped, and professors are required to assign a quotient of stigmatizingly low grades. This effectively causes all students to be in direct competition with each other in their classes. This experience of a forced zero-sum game where one’s success entails another’s failure, and one’s failure contributes to another’s success, institutionalizes competitive behavior among students and creates systematically estranging working conditions in law schools. Rather than encouraging cooperation, solidarity, and community building which might make law school a more tolerable or even enriching experience, grade curves incentivize aggressive self-centeredness making the experience more isolating than necessary. This problem is further exacerbated by the perception among law students that their grades will have a controlling affect on their career options and lives.

Grade curves that force the assignment of low grades betray a lack of confidence in the quality of the students that they’ve admitted and pressure students to stay ahead of their colleagues or risk personal disaster. Grade curves that limit the number of high grades compel arbitrary hierarchies among excellent students that only serve to aid employers in rapidly distinguishing between students. This practice treats students as if products for employers’ use, labeling them by grade accordingly, instead of considering students work on its own academic and educational merit for the student.

4.WHEREAS – First year law students are overworked by design. In a three year course of study, work is disproportionately heavily allocated to the first year, rather than distributed evenly in a fashion that would make it more manageable. This results in unnecessary stress and reduced quality of life. Law school culture encourages obsessive work habits and treats busyness as if a virtue in and of itself. Coupled with the artificial levels of competition for grades, the work load creates a pressure-cooker environment that makes law school an unnecessary ordeal. This minimizes the room for error in a way that further punishes students who have dependent children, elderly parents, and other relationships that require attention and other responsibilities outside of school that cannot simply be ignored for a year or three. Many students resort to stimulants as study aids, unambiguous cheating, and withdrawal from their loved ones, as while struggling to keep up, creating a false impression that the work could be manageable.

There is no inherent reason why law must be studied at a grueling pace and this can be detrimental to a thorough understanding of the subject. Students assigned more work than they can reasonably do will inevitably cut corners, rely on law summaries, on course outlines and on study groups that divide work among members so that no one has themselves completed most of the assignments. The result is that students simply study towards the exam superficially rather than understanding the material in a substantial way. They lack the opportunity to form original, insightful positions that come only with slow and careful reading with time for consideration, and have reason to think that even if they did, such an effort would be unrecognized in their exam grades. Finally, without adequate time to reflect on the material, the law is simply less academically interesting and stimulating,

reducing students' appreciation of what could be an intellectually fascinating, living discipline into a static set of doctrines and rules.

5. WHEREAS – Law school is a profoundly alienating experience for many progressive law students. When someone's political commitments play a significant motivating role in their lives, having to devote the clear majority of their time, energy, thought and opportunity for daily human interaction in an environment hostile to them, can be very isolating. Progressive law school students are constantly pressured to sanitize their politics to avoid worsening the existing alienation from their classmates, professors, school administrators and potential employers. The cognitive dissonance resulting from having passionate reactions to issues and discussions in and out of class, while also feeling compelled to present more conformist views, makes progressive law school students especially alienated from themselves and others.

Student organizing can provide progressive students an opportunity to engage with work and communities they find meaningful, thereby alleviating some of the alienation of law school. However the conformist atmosphere and sheer volume of time and energy consumed by law school, often proves a real obstacle to student's self-motivated organizing . What would otherwise feel as if only a minimal amount of effort to get involved can be experienced as too much of a commitment of time or energy to many students while in school. Even where a student's natural affinity is closest to the National Lawyers Guild, the Guild is often seen as only one of numerous progressive students associations to join, and the decision to invest ones limited time and effort into one student group over another is often based not on their history or literature but simply the level of activity on campus and organizational support they receive. This support cannot come from students alone given the high turnover rate in student chapters and the relatively short time students spend in law school, if it is to be successful in making National Lawyers Guild student chapters an attractive option for progressive law students.

6. WHEREAS – The renewal of the National Lawyers Guild's membership depends on ensuring young lawyers are committed to it as an organization.

THEREFORE BE IT RESOLVED –

1. That the National Lawyers Guild calls on law schools to eliminate forced grade curve policies, class rankings, grades as factors in law review/journal membership selection, and other policies that create zero-sum competitions among students.
2. That the National Lawyers Guild calls on the ABA, AALS, and law school curriculum committees to reexamine first year law school required curriculums with an aim towards **a.** reducing work load so as allow students to maintain reasonable hours without compromising their performance **b.** rewarding original legal analysis rather than rote learning **c.** Including the contributions of critical legal studies, critical race theory, feminist legal theory and other critical perspectives on the law in the main portions of the curriculum including the first year curriculum.
3. That the National Lawyers Guild attempt to intervene in the upcoming Association of American Law Schools Annual Meeting in New Orleans in order to voice these concerns, publicize its position, and open a dialogue among law school faculty and administrators, as far as is practicable. That the National Lawyers Guild reports back its effort in this regard in Guild Notes, issue a press release on its website, and otherwise draw attention to the issue as appropriate.
4. That the National Lawyers Guild send a revised open letter modified into a more suitable style that captures the substance of the 'whereas' clauses 2, 3, and 4, to the deans, and when available, deans students and academics, and curriculum committee chairs, of all ABA accredited law schools.
5. That the National Lawyers Guild, recognizing that more support is needed to cultivate strong, active, growing student chapters, conduct a survey of law schools for student chapter activity and attempt to provide additional support for existing student chapters, including more support for student chapter building, NLG sponsored social events, working with faculty, distributing guild literature, travel funding, on-campus political events, and educational events presenting socially progressive views of the law consistent with the National Lawyers Guild's mission. Where law school chapters do not exist, that the National Lawyers Guild request that local chapters publicize the National Lawyers Guild on

- campuses to the best of their abilities, preferably through in person outreach when possible.
6. That the National Lawyers Guild calls on its committees and projects seek opportunities to involve law students in their work where possible and, when it would not pose an unreasonable administrative burden, publicize their work on law student campuses.
 7. That the National Lawyers Guild send copies of this resolution to all NLG chapters
 8. That the National Lawyers Guild establish a student chapter voluntary alumni network and call on members to assist in the continuation of their chapters and support for NLG law student chapters when possible and not overly burdensome, encouraging the alumni network to make contacts available to student chapters when available.

IMPLEMENTATION CLAUSE: This resolution will be implemented by a working group on legal education, formed for the purpose of implementing the resolution, concerned individual chapters and members acting in support of the resolution as applicable, with assistance as needed by the National Office and NEC, in consultation with law student chapters.

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