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# Getting In: The Why and the How of It

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## Getting In: The Why and the How of It

*Peter K. Rofes\**

More than 75,000 people apply to law schools in the United States every year.<sup>1</sup> The typical applicant applies to five schools.<sup>2</sup> The typical application—including the form itself, letters of recommendation, test scores, personal essays, and a statement explaining that the applicant has been successfully rehabilitated from a lifetime of criminal activity—runs upwards of fifteen pages. You do the math. That's an awful lot of trees being consumed just to gain entry to law school.

Two questions spring quickly to mind. The first is, why? Why has going to law school joined surrendering virginity and watching the Super Bowl as an experience Americans are eager to embrace yet look back on with the sense it was not all it was cracked up to be? The second question is, how? How do would-be law students persuade schools to admit them, especially given that each year a substantial number of applicants struggle with the question "Mother's maiden name?" on the application form?

These questions demand careful attention. Indeed, the day-to-day operations of the American law school cannot be fully appreciat-

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\* Associate Professor of Law, Marquette University Law School. B.A. Brandeis, A.M. Harvard, J.D. Columbia. This essay is part of a larger project underway in which I explore (in much the same way as this essay explores the admissions process) a host of aspects of the American law school, among them the classroom, the final examination, grades, a day in the life of a law professor, the role of the Constitution, the job interview, multiculturalism, the faculty meeting, and the graduation speech. See Peter K. Rofes, *Ethics and the Law School: The Confusion Persists*, 8 GEO. J. LEGAL ETHICS 981 (1995); Peter K. Rofes, *Getting Out: A Speech to the Law Class of 1996*, 79 MARQ. L. REV. 543 (1996); Peter K. Rofes, *Grades*, 73 WASH. U. L.Q. 1643 (1995); Peter K. Rofes, *Law School and the Constitution*, 23 FLA. ST. U. L. REV. 71 (1995); Peter K. Rofes, *One Fine Day*, 45 DUKE L.J. 133 (1995); As for acknowledgements, candor impels me to disclose that, with one exception, none of my colleagues here at Marquette has offered anything but scorn for the project. The one exception is a colleague who has offered what can best be described as derision rather than scorn. I remain grateful nonetheless for their collegiality, congeniality, and conviviality.

1. For academic year 1994-95, the most recent year for which such statistics are available, the Law School Admission Council reports that 78,800 applicants sought admission to law schools accredited by the American Bar Association. 95-5 Law Services Report 6 (Sept./Oct. 1995).

2. The 78,800 applicants mentioned in footnote 1 submitted a total of more than 382,300 applications. 95-5 Law Services Report 6 (Sept./Oct. 1995). Accordingly, some nifty long division leads to the conclusion set forth in the text.

ed without exploring this pair of issues. For if we do not understand the forces that impel people toward law school in the first place, we cannot hope to understand why these people, as third-year students, remain in the student lounge watching episodes of *All My Children* rather than strolling down the corridor to attend Negotiable Instruments, Trusts and Estates, or Charles Manson and the Origins of Feminist Legal Theory. And if we do not understand how these people persuade admissions committees to act favorably on their applications, we cannot hope to understand how, as second-year students, they persuade law firms to pay them \$1500 a week as summer clerks to do little more than attend baseball games and shuttle the soiled clothes of influential partners to and from the dry cleaners.

First, the why question. Social scientists and career counselors alike have devoted considerable resources to determining why law students pursue law school. Empirical studies indicate that four reasons account for the decisions of more than 85% of those currently in law school.<sup>3</sup>

One reason, of course, is money. More specifically, nearly one-third of the nation's current crop of law students report that they pursued law school in order to remain the principal beneficiary under the estate plan of an affluent relative.<sup>4</sup> A current law student put it this way:

At age twelve I promised Grandma Desuetude I would become a lawyer. She wanted to live out her remaining years secure in the knowledge that Aunt Cecilia, that selfish biddy, would fail in any effort to break the will. In a moment of adolescent weakness, I offered assistance. Ever since, the old bat has shoveled cash and jewelry my way.<sup>5</sup>

A second reason is power and the benefits that power confers. Close to one-fourth of current law students note that they chose law school in an effort to enhance the power they have over others.<sup>6</sup> These students believe that, as lawyers, they will have the authority to cut straight to the front of the line for cab service at airports, be able to obtain the most desirable tables at local restaurants, and

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3. The "empirical studies" to which this statement refers consisted of a conversation I happened upon with a group of new matriculants at my school's annual reception to celebrate the end of first-year orientation [hereinafter *Empirical Study*].

4. I recently learned of this fact by perusing the contents of a well-respected tabloid while waiting in line at the supermarket.

5. For reasons obvious to the discerning reader, the student who shared this experience with me has requested anonymity, at least until the time at which her other affluent relatives kick their respective buckets.

6. See *Empirical Study*, *supra* note 3.

get a quicker response to their complaints from the cable company.

The third reason has to do with considerations of justice. Approximately one in five law students admits pursuing a legal education to help the underprivileged have-nots of the world achieve more humane treatment from government and big business.<sup>7</sup> The homeless, those who suffered irreversible brain damage watching Chevy Chase endeavor to make it as a talk-show host, and men and women under 5'4" who aspire to play in the National Basketball Association are three frequently mentioned groups whose plights law students vow they will work to improve.

A fourth reason, rarely explored in the literature, concerns blood. The typical law student cannot tolerate the sight of blood without getting sick to his stomach. We know this to be a fact. After all, were law students able to cope effectively with blood, they would have pursued medical school rather than law school, chemistry and biology rather than English and political science. Doctors earn more money, spend more time at the country club, and have more credible explanations to offer when caught in embarrassing positions with attractive patients. ("Just looking for the latest Supreme Court decision on school prayer, honey" is unlikely to work well for a lawyer caught in flagrante delicto with a client, even if the WESTLAW terminal is within reach.) In fact, anthropologists at Princeton report that, at least for males, it is now possible to determine by the age of fourteen whether a gifted youngster favors law or medicine.<sup>8</sup> The experiment involves a simple request by the teenager's mother to pick up tampons at the local supermarket. The boy who responds "No way, Mom, that's gross; get 'em yourself!" is inclined toward law. The one who responds "Sure Mom: Slim, Regular, Super, or Super Plus?" is more likely to pursue medicine. To repeat, law students get nauseated at even the thought of blood. That's why they're in law school.

The discussion set forth above helps us understand why people apply to law school. Equally illuminating is how future lawyers seek to persuade law schools to act favorably on their applications for admission.

Law schools around the nation agree that the three most important indicia of legal aptitude are the applicant's performance on the Law School Admissions Test ("LSAT"), her undergraduate grade point average ("GPA"), and the reputation of the undergraduate institution attended. This means two things. First, a strong

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7. *Id.*

8. For purposes of national security, I have been requested to keep confidential the source of this information.

GPA—say, 3.7 out of 4.0—coupled with impressive LSAT scores enables a candidate to have a credible shot at getting into even the most selective law schools, except, of course, if the undergraduate institution has the words “pizza parlor,” “massage therapy,” or “golf and bowling institute” in its name. Second, a weak GPA coupled with low LSAT scores is likely to induce letters from admissions directors around the nation urging the candidate to consider a career in plumbing, stand-up comedy, or the delicatessen business rather than law.

But these are the easy cases. The more difficult cases feature candidates whose records are relatively strong on one indicator (say, an LSAT performance in the ninetieth percentile or better) yet strikingly unimpressive on another (say, a 2.5 GPA from a respectable liberal arts college). In these cases, not surprisingly, candidates seek to persuade an admissions committee that the stronger indicator is more reflective of their legal aptitude and potential. Candidates deploy a host of strategies in this effort. Some strive to downplay the significance of the weak indicator by attributing it to unusual circumstances. One example of this is the applicant who sought to explain away the many Cs, Ds, and Fs on his undergraduate transcript with the statement, “In college I was baaaaaad. In law school I be goooood.”<sup>9</sup> Another is the set of fraternal twins who matter-of-factly owned up to the host of “Incompletes” on their transcripts with the argument that administrators at the college they attended thoughtlessly scheduled many final examinations to conflict with appointments they had with their manicurist, barber, and massage therapist.<sup>10</sup> Still another is the applicant who attributed her substandard performance on the LSAT to the following tragic experience:

My boyfriend, Russell, and I had been dating since the middle of freshman year. The night before the LSAT I was incredibly uptight. To ease my nerves, we decided after much discussion to take our relationship to a level to which it had not thitherto been taken. Russell was, to be frank, unbelievably excited. In fact, he was a bit too excited, if you discern my meaning. The whole experience was over before it even got started. Russell was understandably despondent. I stayed up half the night reassuring him that everything was OK, carefully putting back together the fragile pieces of his male ego. As a result, my performance the next morning on the LSAT did not measure up to my true capabilities. It would be deeply unjust for me to be deprived of a place in your law school because

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9. Under the burdensome mix of law that currently governs the law school admissions process, I am not at liberty to disclose the identity of this applicant.

10. *Id.*

of a decision to put the welfare of a friend above my own narrow, selfish career objectives.<sup>11</sup>

In close cases like these, other information in a candidate's file can play an important role in the ultimate admissions decision. In particular, this is where letters of recommendation come in.

Most law schools require a candidate for admission to submit anywhere from two to forty-seven letters of recommendation from people willing to vouch for the candidate's talents, character, and knowledge of even the most trivial details of Raymond Burr's life. These letters put the finishing touches on the portrait the candidate has sketched with LSAT scores and GPA data. Unfortunately, applicants labor under a misconception about what constitute useful recommendations to a law school admissions committee.

Many applicants evidently believe that the value of a recommendation is directly related to the prominence of the person who signs the recommendation. They therefore seek out famous and influential people to support their applications, even if the closest they ever came to such people is adjoining urinals at Madison Square Garden during halftime of a game between the Knicks and Celtics. This misconception produces letters of recommendation like these:

To Whom It May Concern:

I am delighted to support the candidacy of Mr. Morris Isaac Goldstein for admission to your distinguished law school. Mr. Goldstein and his companion, Ms. Rachel Schwartz, visited me at the Vatican last summer while they were on break from Cornell. As you may have heard, I was recuperating at the time from my hip replacement surgery. Mr. Goldstein cheered me up immensely with a batch of the finest bagels I have ever sampled and some terrific new jokes, particularly one about Moses hitting his golf ball into some deep rough and encountering a lovely, unclad sunbather.

Very truly yours,  
Pope John Paul II

Members of the Admissions Committee:

Gina Weiskopf, who seeks admission to your law school, has requested that I write to you on her behalf. I am pleased to do so. With all candor, however, I must inform you that I haven't the foggiest notion who this woman is. She tells me she was a staff researcher in the home office of the Equal Employment Opportunity Commission when I headed that agency. I have no reason to doubt

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11. *Id.*

that fact. She also tells me that we had "a close working relationship, very close." To repeat, I have absolutely, positively no recollection of Ms. Weiskopf. None. Zippo. Nada.

Notwithstanding my complete lack of knowledge about the candidate, I urge you to extend her an offer of admission. She is truly a dynamic, charming, and unique young woman who will leave a lasting impact on those fortunate members of your community who come to know her well.

Sincerely,  
The Honorable Clarence Thomas  
Associate Justice, Supreme Court of  
the United States

Committee Members:

I understand that Mr. Jeffrey Courtnall from Omaha, Nebraska, has applied for admission to your law school. In my view Mr. Courtnall would be a welcome addition to your educational community. Over the past decade Mr. Courtnall, or someone using Mr. Courtnall's name, has been a persistent caller to my television and radio shows. The guy always has provocative things to say. In particular, I vividly recall the night he told Jeanne Kirpatrick, who at the time was U.S. Ambassador to the United Nations, about his recurrent fantasy of flying around the world with her dropping bombs on many of the world's undemocratic nations.

Best personal wishes,  
Larry King

What applicants for admission too often fail to grasp is that perceptive, detailed letters of recommendation from people who know them well enhance their prospects much more than empty, unsubstantiated praise from people who know them at best superficially. To drive the point home, compare the powerful impact made by the following recommendation with the unhelpful platitudes contained in the three letters set forth above:

Members of the Admissions Committee,

Thank you for affording me the opportunity to share my thoughts about Henry Wyron, an exceptional young man. I have known Henry since he was eight years old, when one day I walked into my bedroom and found him rifling through my wallet. Even as a youngster he demonstrated remarkable intellectual curiosity! A few years later, as manager of the local Gimbels, I gave Henry his first job. He toiled nights and weekends cleaning up the various departments toward the close of business. Regardless of the task, Henry remained a cheerful and conscientious worker. And, despite what you may have heard elsewhere, the police were never able to

get definitive proof linking Henry with the burglary of that \$8000 from the register. Anyway, during the decade Henry worked himself through the local community college, we stayed in close touch. In particular, we saw each other often during his trials for securities fraud, racketeering, and tax evasion. For a guy flirting with life in the pokey, Henry always found time to share a laugh with friends, even those who resisted his gentle yet persistent requests to help out with his crushing attorneys fees. To sum up, I have had the pleasure to watch Henry Wyron blossom from an impetuous youngster into a man who is only now beginning to learn the meaning of personal responsibility. He would, without question, be an outstanding addition both to your student body and to the legal profession.

Yours Sincerely,  
Name Withheld on Request

Now that's the kind of recommendation that will assist the committee in a close case, supplying genuine insight into the applicant.

But letters of recommendation are not the only documents in a candidate's admissions file that can prove decisive in a close case. Occasionally the applicant herself does or says something so distinctive on the application form that the committee cannot help but take notice. An example of this occurred in February 1988, when a candidate for admission to a small, midwestern law school responded in the following way to the series of questions set forth below from the first page of the application form:

|                                   |                      |
|-----------------------------------|----------------------|
| b) Place of Birth                 | Milwaukee, Wisconsin |
| c) Date of Birth                  | 4/12/66              |
| d) Are you a citizen of the U.S.? | Yes                  |
| e) Permanent Resident?            | Yes                  |
| f) U.S. Visa holder?              | No                   |
| g) Other (specify)                | Mastercard           |

In case you're wondering, the admissions committee acted favorably on this application.<sup>12</sup> But that's not the end of the story. In recognition of the applicant's exceptional professional potential the committee awarded her a three-year, full-tuition scholarship. She now works in a toll booth on the Indiana Turnpike.

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12. I am grateful to Geraldine Clausen, Director of Admissions at Marquette University Law School, for sharing this application with me.



