

Choosing Your Curriculum at Notre Dame Law School

The curriculum at Notre Dame Law School is sufficiently rich and diverse that you will face many choices about what to take during your time here. Moreover, we recognize that you have a broad array of differing interests and goals. Not every career path is the same, and collectively, you will do many different things with your law degrees and professional careers. Accordingly, the faculty believes that it is important for you to try to choose your courses well, with an eye toward both your general formation as a future member of the legal profession and your individual needs and preferences. In doing so, the first and best advice that we can give you regarding your curricular choices — advice that we think is true for all of you — is to develop mentoring relationships. Mentors can include your faculty advisor, professors in your classes, professors in an area in which you think you might want to specialize, or lawyers with whom you have worked. Mentors who know your particular aspirations can tailor general advice to your specific circumstances. Outside of the context of that individualized guidance and advice, however, the faculty believes that it can be helpful for you to consider certain general ideas about the types of courses that you should consider taking while in law school. This advice is by nature somewhat general, and there will be exceptions to every rule.

Taking classes that provide you with a range of skills

Even more than taking courses with particular doctrinal content, we believe that you should take courses that provide you with the skills that are necessary in practicing law. Those include analytical skills, writing and rhetorical skills, research skills, and practical skills. A course can provide more than one skill, but most courses emphasize one skill more than another. Your goal should be to take a number of courses that emphasize each skill.

1. *Analytical Skills.* Legal analysis is the focus of most courses in the first year, and of many of the doctrinal courses in your second and third years. In most of the first year, the emphasis tends to be on the development of case or common-law analysis. As important as those skills are to perfect in the second and third years, it is also vitally important that you also take classes that focus on developing skills of statutory, regulatory, and constitutional interpretation. Statutes and regulations are central to the work of most lawyers, and constitutional issues pervade modern legal practice. Interpreting these texts requires somewhat different skills and techniques than interpreting cases, so you should be sure that, in the mix of courses you take, some of the courses force you to grapple with statutes and regulations, and some examine constitutional texts. It is also useful to take some of these courses on the private-law side and some on the public-law side. Finally, you should give consideration both to courses that emphasize more technical and doctrinal ways of working with the law and to courses that help you integrate law with broader theoretical and interdisciplinary methods of analysis.

2. *Writing Skills.* The work of the modern lawyer is writing — briefs, contracts, letters, memoranda, and the like. To be effective, therefore, a lawyer must be a clear and concise

writer. Law-school exams do very little to develop this essential skill, and first-year legal writing, as vital an introduction as it is, cannot carry this burden by itself. Nor can the upper-level writing requirements. You should look for additional opportunities to hone your writing. Such opportunities include seminars or other paper courses, work on a journal, and Moot Court.

3. *Rhetorical Skills.* Lawyers persuade people of the wisdom of their advice or their client's position. Therefore, good lawyers are good rhetoricians, both in writing and on their feet. Engaging in the give-and-take of legal discourse develops skill in oral presentation. Classroom participation through the Socratic method seeks to develop skill in oral rhetoric. For this reason, we encourage you to participate actively in all your classes. Besides taking classes that require you to write (so that you become a better rhetorician on paper), look for chances to work on your skills as an oral advocate. Moot Court is one evident opportunity for some of you to do so, as are skills classes such as Trial Advocacy and Deposition Skills. For everyone, seminars or other small classes are excellent fora in which to speak up and match wits with professors and other students.

4. *Research Skills.* Research and writing work hand in hand. As important as it is to be a good legal stylist, having something worthwhile to say is more important; and delivering a good substantive product requires the ability to find the authorities and sources that already discuss the issue that concerns you. Given the pressures of modern practice, being able to find this information quickly is also essential. Therefore, be sure to look for classes and other experiences (such as writing a journal note, writing papers for seminars or directed readings that require significant independent research, or taking an advanced class in legal research) that provide you with opportunities to improve your research skills.

5. *Practical Skills.* Law practice tends to divide into litigation and transactional work. You may already have a sense about which of these paths you intend to travel, or you might not. Either way, we recommend that you consider taking some skills classes on both sides of the divide; it is important for transactional lawyers to understand the litigation process when they structure deals, and it is important for litigators to understand transactional realities.

6. *Clinical Courses.* Clinical courses, including the in-house clinics at the Legal Aid Clinic and externships, place students in role as lawyers serving actual clients. Clinical courses both provide an opportunity to apply technical skills and allow students to develop professional judgment, problem solving skills, and skills of client interaction in ways not available in a traditional classroom. Clinical courses can also provide opportunities to develop a student's professional identity by forcing the student to resolve ethical issues and by exposing the student to the legal problems of those at the margins of society.

Taking classes that provide you with a range of ideas

Your law-school education provides you with the intellectual capital that you will use for the rest of your legal career. Consequently, we believe that you should take a wide array of courses that provide the breadth of knowledge — including knowledge of doctrine, policy, and theory — necessary for the modern practice of law. The particular classes that you take are often

less important than the exposure that you get to different fields and ideas in law. We do not necessarily mean that you should avoid any specialization. Some of you may have come to law school with, or may have developed in law school, very clear ideas about what type of practice you want. As a general rule, however, a broad education is best. Clients do not come to lawyers with neatly packaged problems readily identifiable as a “torts problem” or a “bankruptcy problem.” Legal education cannot teach you about any given field in much depth, but it can give you a sense about the pulse or basic arguments in a field. When a client comes to you with a problem, you need to see that this apparent torts problem also has a bankruptcy or constitutional dimension. Many of the best lawyers think outside of doctrinal categories, drawing an idea from one field and transplanting it into another. To be that kind of lawyer, you need to have a broad education now; for practice will tend to specialize you and make it more difficult for you to recognize connections.

You will also be entering a profession that plays an enormous role in fostering the common good of your communities. Courses that help you reflect on those dimensions of the law can help you become not merely competent but responsible lawyers.

With that goal of a broad education in mind, let us provide a few ideas.

1. *Consider taking the following core courses.* We believe that, in addition to the required courses, there is a core of courses that most law students should take. These courses will provide a range of analytical skills, and they provide foundational ideas for a wide array of law-practice environments. Some are private-law courses; some are public-law courses. They include:

- a. *Administrative Law.* Lawyers must understand the functioning and limits of agencies in the modern administrative state. It is also a public law course.
- b. *Business Associations.* Businesses are prevalent in nearly every aspect and type of law practice; so, whether you work for or against business in the future, you must understand the organization, operation, and limits of various forms of business enterprise, as well as the principles of agency and the basic concepts associated with “legal persons.”
- c. *A course in commercial law.* A course on some aspect of commercial law provides both valuable skills in statutory interpretation and useful information on the operation and behavior of corporations and financial institutions.
- d. *Additional coursework on constitutional law.* Every lawyer should understand the basic civil rights of American citizens and the methods of constitutional analysis. Courses in constitutional law are also quintessential public law courses. You should consider at least one additional course in the area of constitutional law. Constitutional Law II

is a foundational course in this regard, but a number of other courses in the constitutional area can also fulfill this goal.

- e. *Evidence*. This course provides vital information on the way in which courts impose structure on lawyers' ability to prove factual contentions and legal arguments.
- f. *Federal Income Taxation*. Tax issues are relevant to almost all aspects of legal practice, including not only business transactions but also litigation settlements, family-law disputes, and, of course, a lawyer's personal and firm tax situation. Because the federal income tax laws are statute-based, this class also provides an opportunity to develop skills in statutory and regulatory analysis.
- g. *International Law*. In a globalizing legal-practice environment, you need to have some familiarity with the fundamental sources and principles of international law and the limits on the behavior of nation-states. The foundational course in International Law is also a public law course.
- h. *Perspectives courses*. In addition to the required course on Jurisprudence, you should take a course or two that helps you to understand law in an interdisciplinary way — through the lens of history, philosophy, economics, statistics, psychology, literature, or theology, to name just a few — or that require you to employ or learn about distinct methodologies, such as empirical or comparative methods. The doctrinal law that you learn in law school has a limited shelf life. Perspectives on the law are permanent. In that sense, perspective courses can be among the most practical courses that you can take while you are in law school.

2. *Don't take a class just because it is on the bar*. We don't mean that you should avoid these classes either. One of the reasons that some subjects are on the bar is that the bar examiners in your state have made the judgment that these are matters with which competent lawyers should be familiar. But taking a class just to learn it for the bar, as opposed to taking a class because you can see how it will broaden your education, is a mistake. Obviously, you can't learn everything about every subject in law school, and taking a "bar course" rather than another course that will provide you with relevant skills or knowledge makes little sense in the long term. And the long term goal is to be a successful lawyer.

3. *Pay attention to the sequencing of courses*. While we have tried to convince you of the value of a broad education, we do not mean that you should not take a number of courses in an area that interests you. When you do take multiple courses in an area, try to sequence them in a logical order. Sometimes one course is a prerequisite or co-requisite of another. But even if there is no formal sequencing, get advice from a professor or mentor about the best sequence for courses. Try to map out your remaining semesters to help ensure that you can take courses in a logical order.

4. *Pay attention to class size.* We have already remarked on the benefits of taking seminars and small classes. Unfortunately, we cannot offer all of our classes in small sections, especially with the foundational courses in the curriculum. But small classes often provide a different educational environment for learning ideas, and an opportunity to explore more specialized topics in depth.

Conclusion

To end where we began, we recognize that this advice is general in nature. It applies in the absence of good reasons to the contrary. Whether it fully applies to you is a question that depends on your own career goals and opportunities. We urge you to discuss your own course selection with your faculty advisor or one of your other professors.