

THE GUIDE TO BELONGING IN LAW SCHOOL, RUSSELL A. MCCLAIN (WEST ACADEMIC 2020), 323 PAGES

Reviewed by Suzanne E. Rowe*

I never quite felt that I belonged in law school, and I've spent my academic career helping students believe that they do. *THE GUIDE TO BELONGING IN LAW SCHOOL*, by Russell A. McClain,¹ is an invaluable new tool in that effort. While written directly to admitted law students, the book offers every professor insights that should disrupt our perceptions of the challenges faced by students from historically underrepresented groups. It provides pedagogical approaches that might disrupt how we teach, even as it gives admitted law students a guide for orienting themselves before their first law school classes.

Disrupting Law Faculty Perceptions

Every professor should read the first three chapters, which disrupt traditional perceptions of what law school is like and how it impacts marginalized students. Chapter 1, “The Legacy of Minorities in the Law,” needs just two pages to confirm that “[t]he history of underrepresentation of women and racial and ethnic minorities in the legal profession is staggering.”² The statistics Professor McClain cites address representation of racial and ethnic groups, women, and LGBTQIA people, but he states explicitly that the book is for all students who don't feel they belong.³ Chapter 2 describes “The Law School Experience,” with emphasis on how that experience differs from what admitted students might anticipate.⁴ After providing some predictable advice on how to spend the summer before beginning law—resting; having fun, including spending time with family and friends; working out enough to be in good physical condition; and reading his book—Professor McClain explains “What Law School Is

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² RUSSELL A. MCCLAIN, *THE GUIDE TO BELONGING IN LAW SCHOOL* 9–10 (2020).

³ *Id.* at 1. He notes the challenges of terms used for many of these students: “minorities, marginalized, outsiders, underrepresented, underserved, and outsiders” as they “all suggest powerlessness and exclusion.” *Id.* I am using “marginalized” as he often does.

⁴ *Id.* at 11–16.

Really Like.”⁵ Those of us who have already graduated, particularly those from professional families or who recall the 1L year as a misty haze, need to appreciate how foreign the setting is for first generation students and those from marginalized groups: The workload is daunting, even for students accustomed to self-discipline and hard work. The classroom experience assumes students will teach themselves and then answer challenging questions in front of a large group of classmates. Feedback is limited (outside of legal writing courses), so students have to “self-regulate” to determine their own progress. Writing courses consume an extraordinary amount of time, and waiting until near the due date to begin will be overwhelming. Many grades are based on comparative performance on a final exam. Law school also strains personal relationships. And this whole overwhelming, stressful experience is very, very expensive.

As law faculty recognize these truths about our courses, we should be more compassionate; that compassion should compel us to make more accessible not only our course content but also ways to be successful in mastering the material and earning high grades. We should reveal explicitly to all students the “hidden curriculum” that a few discover through connections to attorneys in their families or luck in meeting upper-level students.⁶ That hidden curriculum includes both simple ideas like how to have a successful study group and the purpose and content of a course outline, as well as nuanced opportunities like building networks among professors, judges, and practitioners.⁷ In legal writing courses, we ask students to write memos to senior attorneys and briefs to judges, ignoring the obvious fact that many students have never met a senior attorney or judge.

Chapter 3 is equally helpful for students and professors alike. Entitled “Invisible Influences,” this chapter names the feeling of too many students who are impacted by the implicit bias of professors and classmates and the resulting stereotype threat.⁸ Faculty unfamiliar with these concepts will find this chapter a simple introduction; some faculty will gain new appreciation from reading about these concepts from the student’s perspective. As I read this

⁵ *Id.* at 11–12.

⁶ Cristal E. Jones, *Still Strangers in the Land: Achievement Barriers, Burdens, and Bridges Facing African American Students Within Predominately White Law Schools*, 39 *LAW & INEQ.* (forthcoming 2021) (manuscript at 30) (on file with author).

⁷ *Id.*

⁸ McCLAIN, *supra* note 2, at 17–29.

chapter, I felt as though I were sitting in a small room with eager, but uncertain new law students and a wise mentor who had walked the path they were about to take and was telling them how to avoid the pitfalls and be successful. Professor McClain asks how students will feel in class when their professors brush over their answers, only to engage deeply with another student.⁹ Or when their professors toss them a softball, perhaps thinking the student cannot answer more challenging questions.¹⁰ Then he provides students clear, succinct insights for minimizing the effects of bias and stereotype threat. These range from journaling and mindfulness exercises to keeping a growth mindset.¹¹

Based just on these three chapters, I've encouraged my school's admissions director to recommend *The Guide to Belonging in Law School* to every student who asks, "How can I prepare for the first semester?" The eBook is just \$30, a small investment for success in a very expensive undertaking.

Disrupting Common Approaches

The next section of the book, Chapters 4 to 15, takes the admitted student through a self-orientation to law school. Seeing this self-orientation unfold provides meaningful insights for law professors who will teach these same students in the fall. Chapter 4 introduces the structure of government and sources of law.¹² Chapter 5 introduces the law of contracts because promissory estoppel is the doctrinal focus of the book.¹³ The very basic material in these chapters should remind us not to assume that students arrive with any background; that mistake continues the privilege of some students, while excluding others from the first day. Beginning our courses with more advanced concepts will frustrate us and these students, as we are building a house with no foundation.

Chapters 6 and 7 explain how to prepare for class and what law school class is actually like. These chapters cover reading and briefing cases and explain the Socratic method.¹⁴ More important for

⁹ *Id.* at 17.

¹⁰ *Id.* at 24.

¹¹ *Id.* at 24–25.

¹² *Id.* at 31–37.

¹³ *Id.* at 39–52.

¹⁴ *Id.* at 53–83.

professors reading the book is a box in Chapter 6 called “The Hidden Story.”¹⁵ Here, Professor McClain explains—without excusing—the fact that some professors skip over the social justice issues in cases, perhaps because they don’t see these issues or because they hope to avoid difficult classroom discussions.¹⁶ Then he tells students they have a choice in how to respond. “You should not have to bear the weight of bringing up these topics On the other hand, you have every right to shine a light on these issues.”¹⁷ Again, professors reading this advice should go back to our textbooks and hypotheticals to see whether we are skipping these issues or expecting students from marginalized groups to lead or manage the discussion.

Chapter 8 changed my approach to teaching the structure of legal analysis. The chapter uses the basic syllogism to introduce legal reasoning, but Professor McClain’s examples make it much more accessible than I’ve seen previously. He begins with the traditional example:

Major premise: If A, then B.
Minor premise: A.
Conclusion: Therefore, B.¹⁸

But he quickly makes this abstract syllogism concrete through relatable examples:

Major Premise: If a person jumps in a lake, they will get wet.
Minor Premise: Mary just jumped in a lake.
Conclusion: Therefore, Mary just got wet.

Major Premise: If Donald does not work out in the morning, he will get tired later in the afternoon.

¹⁵ *Id.* at 60–61.

¹⁶ For a recent discussion on this topic, see generally Tiffany Atkins, Dorothy Brown, Jane Cross & Hugh Mundy, *Incorporating Anti-Racist Frameworks into Core Law School Classes* (Soc’y of Am. L. Teachers webinar July 30, 2020) https://mediaspace.msu.edu/media/SALT+Webinar+1_July+30%2C+2020/1_thxi281t. See also Suzanne Rowe, *The Elephant in the Room: Responding to Racially Charged Words*, 15 LEGAL COMM. & RHETORIC: J. ALWD 263, 269-73 (2018) (compiling strategies for professors to prepare for and lead discussions on social issues and effectively respond to racial comments in class).

¹⁷ McCLAIN, *supra* note 2, at 61.

¹⁸ *Id.* at 85.

Minor Premise: Donald did not work out this morning.
Conclusion: Therefore, Donald will get tired this afternoon.¹⁹

All students understand these examples, and my students' transition to CREAC organization²⁰ now feels almost natural rather than imposed. Using examples from the chapter also allowed me to derail stereotype threat early on. My PowerPoint presentation began with an image of the book and Professor McClain—an accomplished African American man who is highly regarded in the academy. I introduced him to my students as one of my guides as I learn to be a better teacher.²¹ Even though I cannot change my identity as a white, female professor, I can hold up Professor McClain as a successful attorney and professor to diversify the leadership in my classroom. As a result of this change in pedagogy, all of my students performed at a higher level sooner than previous classes have.

The remaining chapters lead students through successive classes, building their knowledge of promissory estoppel while developing learning strategies and encouraging them to reflect on how they are learning. Chapter 10 explains the law school exam, spending important time on the mysterious “outline” that prepares students for the exam.²² Chapter 12 demonstrates how to read an exam and annotates a model answer.²³ Perhaps we all should be so transparent, with exams or papers.

Disrupting the Usual Orientation

Although I selfishly read the book to enhance my own pedagogy and have focused this review on how professors can benefit, Professor McClain wrote the book for students as a self-guided introduction to

¹⁹ *Id.* at 86–87.

²⁰ See generally Terrill Pollman, *Building a Tower of Babel or Building a Discipline? Talking About Legal Writing*, 85 MARQ. L. REV. 887 (2002) (analyzing challenges of the lack of a common language to discuss legal writing).

²¹ In addition to his articles and TED Talks, Professor McClain is a sought-after speaker. *E.g.*, Russell McClain, Law School Professor, Assoc. Dean for Diversity and Inclusion, Dir. Academic Achievement Program, Univ. of Md., Maximizing Student Potential by Focusing on Hidden Barriers to Success at the Biennial Conference of the Association of Legal Writing Directors (July 19–21, 2017).

²² McCLAIN, *supra* note 2, at 109–20.

²³ *Id.* at 125–44.

law school. It begins with a 21-day syllabus that breaks the text into accessible components that move at a reasonable pace. The text is just 163 pages for all 15 chapters, with an appendix of readings on promissory estoppel of about the same length. The book's website offers five videos of online law school classes, complete with cold-calling and students holding pets and infants; a case brief template and sample; and practice exams and model answers.²⁴ The book is peppered with stories from students, in blocks called, "We Belong." Even with all of this support, some concepts might be too challenging for new law students to take on alone. And the schedule suggests that pre-law students reading the book are not burdened by jobs, family, or moving to a new city.

I suggest the book might best be used for a summer program before the first year of law school.²⁵ Students could spend three to five weeks engaged with a small cohort of similarly nervous classmates, gaining skills and confidence, and proving to themselves and each other that they do, in fact, belong in this new adventure. The professor could still use Professor McClain's lectures but offer opportunities to debrief and answer students' outstanding questions. The professor could also provide individual feedback on each student's class notes, outlines, midterms, and final exam. An important addition would be a short memo to introduce students to legal writing. A school that is serious about supporting these marginalized students—beyond adopting a lofty mission statement with no funding or programming—could offer stipends so that students could end their outside work and devote themselves to this endeavor. Some schools may even consider providing course credit, which would allow these students to start law school at an advantage.

Conclusion

I never quite felt I belonged in law school. Perhaps with this book, my experience would have been more positive. Reading it now has

²⁴ The address is <http://www.belonginginlawschool.com/> and the content is available to anyone. Note that the videos could form the basis of insightful discussions of effective online teaching.

²⁵ I taught a fundamental course in legal analysis at the University of San Diego three decades ago, but the needs of first-generation students from traditionally excluded backgrounds are similar. In USD's summer program, students also took a Criminal Law course that replaced a first-year requirement, giving them some breathing room in the stressful first year.

made me a better professor, and many new law students will benefit from its insights and support.