

Memo

To: The Faculty

From: The Public Interest/Public Service Lawyering Committee

Re: Avoiding implicit assumptions, generalizations, and prescriptions about students' plans to work for Big Law

We have learned through focus groups, interviews, and research that faculty may unintentionally be signaling to students the norm and expectation that our students will go into private practice/Big Law, and that the faculty views this outcome as expected and inevitable. In student interviews and focus groups, students have communicated that they hear from multiple professors the prediction that “everyone or almost everyone will go into Big Law,” and that this statement makes public interest and public service oriented students feel like outliers, invisible, or foolhardy. Some students equate these implicit assumptions, generalizations, and predictions describing the norm of working for Big Law after law school (norms in the descriptive sense) with a prescriptive norm (all or most students should go into Big Law). It is in fact true that a majority of CLS students will work for Big Law immediately after Law School. However, that descriptive norm does not predict how particular students will make that choice, and may discourage students interested in public interest and government positions. Those who don't want to work for Big Law are working against what they experience as both a descriptive and prescriptive norm.

The social science literature predicts this tendency to equate descriptive with prescriptive norms, particularly under conditions of uncertainty and risk. A variety of decision-making traps might be at work here, from the anchoring trap (the statistic we first hear gets disproportionate weight), to the status quo trap (we assume that the way things are is the way they have to be) to the estimating and forecasting trap (we make predictions based on the most available information) to the prudence trap (we stay on the safe side, in part by following the crowd).¹ Combined with the uncertainties associated with pursuing public interest and government positions in comparison to the ease of obtaining jobs in large firms, faculty statements that treat the decision to go to Big Law as a foregone conclusion can unwittingly undercut students' willingness to take the risks associated with pursuing careers in public interest and public service.

Just knowing that descriptions of the norm of going to Big Law can easily be read as prescriptions offers a step toward avoiding this trap. Even if many or most of our

¹ For an in-depth overview, see DANIEL KAHNEMAN, THINKING FAST AND SLOW (2011).

students will start their careers in Big Law, we should speak about the full range of career choices that students will make. This will avoid conveying the idea that we expect everyone to go to Big Law, and keep open the space for questioning that will support students in finding their way to the career they will find most fulfilling.

It's worth noting that the first job does not equal the last job; many graduates leave Big Law after a few years to go into other practice areas including public interest/public service. So Big Law does not necessarily dominate the long arc of CLS students' careers.

Going forward, we make the following suggestions to faculty when approaching conversations about students' career trajectories:

- Please avoid making statements that assume or predict that students will be working in Big Law immediately after graduation, which may unknowingly discourage students from pursuing public interest or government positions;
- Please avoid making statements that assume or predict that all students who begin their legal careers in Big Law will remain there (or in other corporate law jobs) rather than pivoting to public interest or government positions;
- In class, office hours, or other settings, please acknowledge and validate the full range of career paths open to our students;
- In 1:1 conversations with students who are interested in learning more about public interest paths, please think broadly about how to advise them to gain more knowledge and experience in exploring this path—for example, additional conversations with individuals (SJI advisors, other faculty, practitioners, and alumni), consulting key resources (e.g., SJI publications) attending events (e.g., programs hosted by SJI, LCI, student groups, research Centers, etc.) and thinking carefully about their experiential learning, curricular choices, summer internships, and so forth. Whenever possible, it's worth pointing students toward our generous funding opportunities for summer internships through Columbia Summer Funding, post graduate fellowships, and LRAP (Loan Repayment Assistance Programs). SJI and Financial Aid are good resources for this.