Law School Admissions: Residency, Legacy and Other Factors

Public law schools—i.e., law schools at state-funded universities—generally give preferential admissions treatment to their own state’s residents. The degree of preference varies from school to school. Hastings, for example, gives no preference, Michigan gives very little, and North Carolina, Texas, and Virginia give substantial preference. Virginia, for instance, appears (on rough calculations) to give residents a preference equal to 0.25-0.3 undergraduate grade points or 4-5 LSAT points. Given the admissions impact—plus the lower tuition at state schools—it is well worth exploring the possibilities of becoming a resident, either before or after you apply. If you become a resident before applying, of course, you can reap both the admissions preference benefit and the lower tuition; if you become a resident only after applying, perhaps during a deferral year, you will stand to gain only the tuition advantage.

Residency

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States generally take a number of factors into account in determining residency. You are likely to be considered a resident if you attended high school in the state, your parents were and remain state residents, and you have not left the state for any substantial, full-time purpose other than education or military service.

To become a resident, on the other hand, expect some or all of the following to be considered:

- Where you are registered to vote (and have voted)
- Whether you have a state driver’s license (or identity card, if you do not drive)
- Which address you designate on school, employment, and military records
- Where you register your automobile
- Whether you pay state income taxes as a resident
- Where you reside (and for how long each year), and where your belongings are kept
- Whether you return to your prior state of residence on a regular basis

It will be necessary to provide documentary evidence of the relevant factors. You will have difficulty establishing residence in a state if you are considered a dependent of your parents and they live elsewhere, because this single factor will tend to give you the same state residence as they enjoy. To be considered financially independent of your parents requires at a minimum that you not be claimed as an income-tax deduction. Some states will also consider your age, whether you are married, whether you have dependents (other than your spouse), and whether you are financially self-sufficient.

To be sure of your status, check with the law school’s admissions department to find out who at the university can advise you. (This is a function generally handled on a university-wide basis.) Note that in some states it is easy to convert from nonresident to resident status during your time in law school; in other states, this is all but impossible while you remain a student.

Legacies

Being a “legacy”—i.e., related to someone who attended a given school—can greatly improve your chances of admission to college. At the graduate-school level, however, the situation is dramatically different. First of all, schools tend to pay little attention to “legacies” from any other school within the university. In other words, if your mother attended Northwestern Medical School, Northwestern Law School will not consider you a “legacy” at all. Even those applicants with relatives who attended the law school itself seldom receive much of a leg up in the admissions process.
Private schools tend to put slightly more weight on legacy status than do state schools, due largely to the latter relying traditionally on public rather than private funding.

International Applicants: JD and LLM Degrees

International applicants represent a small but rapidly growing segment of the JD market. As the legal market itself has become more and more global, so too has the admissions game at American law schools. It is, of course, testimony to the positive reputation American law schools enjoy that so many non-Americans are applying. In the past, of course, international applicants generally did a Bachelor of laws degree (a first degree) in their home countries, worked for some years, and then applied to an American school for an LLM. They continue to do so—in larger and larger numbers—but many foreign applicants now look to do a JD in the United States instead of doing a first law degree in their home countries, or in addition to such a first law degree.

The reasons for a foreign applicant to do an LLM are clear. The traditional reason was to learn about American law, so as to go back to the home country and be a better informed lawyer, professor, diplomat, or government administrator. Of course it did not hurt to add the cachet of a Harvard or a Georgetown or a Columbia degree to their curriculum vitae, either. A new reason has been added in recent years. Many international candidates for LLM degrees at the leading American law schools have come intending to practice in America after finishing their degrees. Candidates with just an LLM degree can be admitted to the bar in states such as New York.

Why, then, do foreign applicants consider doing a JD in the U.S.? Some may have done a non-law first degree, thereby necessitating about three years of study, whether in the home country or in the U.S. Similarly, some may want to practice in an American state, such as Illinois, that does not admit candidates to the bar with only an LLM. Others may want to undergo the rigorous training of an American JD degree, preferring it to their home degree options. Still others may wish to have the built-in marketing opportunities afforded by being at an American school for three years (they are able to pitch themselves to potential American employers throughout their stint) or by virtue of earning the most well-understood of American degrees.

Several things are different for international applicants whether applying for a JD or an LLM. American law schools often find it difficult to understand the nature and quality of the high school or university work done by applicants educated abroad. The same is true for work experience, extracurricular and community activities, and so on. As a result, foreign applicants need to make their credentials clear and readily understood. Thus, it can be very helpful to show how exclusive (in meritocratic terms) a given university or high school is; the way a grading system works, in full detail; the hiring policies of a firm; and so on.

Your rationale for studying in the United States will inevitably matter. At the JD level, it is particularly valuable to show that you will be able to handle the rapid flow of idiomatic English, plus the need to read large volumes of detailed materials, and to discuss them in a sophisticated manner.

One curiosity about the international application process; For a JD, a TOEFL score is not generally required but an LSAT score is; the opposite is true for an LLM.