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Attitudes of First-Year Law Students at the University of New Mexico

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ATTITUDES OF FIRST-YEAR LAW STUDENTS AT THE UNIVERSITY OF NEW MEXICO*

Law students and attorneys spend much time doing research. Little of it involves the object of the profession: people. This paper is a report of research on people, specifically law students. The study arose out of curiosity. It was a curiosity about fellow law students at the University of New Mexico: why they were in law school and what they thought about various legal questions.

I

THE STUDY

Through much discussion and consultation, the plan evolved gradually to focus attention on the first-year students at the University of New Mexico School of Law (Class of 1968). Three areas of investigation were pinpointed: the attitudes of first-year law students (1) toward themselves and their present surroundings, (2) toward attorneys, (3) toward the administration of justice.

A questionnaire was devised and tested out by making a pilot study of twenty-four upperclass law students enrolled in the course-seminar on the legal profession. As a result of the pilot study, the questionnaire was revised, particularly in the scoring instructions to be given. In the end, also every question was accompanied with directions to rank it (giving up to three answers) or to check the answer.

After revision, the questionnaire was given to the first-year law students in one of their classes and they were given class time in which to complete it. Since no names were to be signed to the papers, it was emphasized that the only "right" answers were the students' own opinions.

Of a total enrollment of 76 in the Class of 1968, 71 answered the questionnaire. Five of the students had not taken the Educational Testing Service's Law School Aptitude Test (LSAT). The distribution of raw scores for the 66 who had taken the LSAT is shown by the following chart:[1]

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* This article is taken from a paper prepared for a seminar on the legal profession at the University of New Mexico School of Law. The study was done under the direction of Professor Carl M. Selinger and with the assistance of Dean Thomas W. Christopher.

1. An LSAT raw score of 500 equals the 52nd percentile of over 200,000 prospec-

400-424	1	525-549	7
425-449	3	550-574	7
450-474	6	575-599	10
475-499	9	600-624	6
500-524	10	625-649	4
		650 up	3

The students were asked to give their LSAT raw scores for the purpose of determining whether there were any questions which elicited significantly different responses from the students scoring above 600, as well as for a comparison of three groups of students: those scoring below 550, those in the 550 to 599 range, and those above 600.[2]

In the material that follows, each question will be taken in order. For the convenience of the reader, the results are summarized in section III.

II

THE QUESTIONS AND ANSWERS

Opinions will vary as to what the questions on the survey actually measured. However, each was designed with the purpose of discovering a particular type of attitude.

The purposes of the first questions are least controversial: why did the student decide to enter law school and what other occupations had he considered before choosing a legal education.[3] These are the "conscious" questions; that is, there are probably many un-

tive law students taking the LSAT in 1957-1965; 52nd percentile means that of every 100 students taking the test, 51.5 students scored below this student, and 47.5 students scored above him. A raw score of 550 is equivalent to the 71st percentile; a raw score of 600 equals the 85th percentile. The average raw score of the Class of 1968 at the University of New Mexico School of Law was 543.

2. Because of the small size of the sample, the comparisons based on LSAT scores are omitted from this report. However, there was a tendency for the students of lesser measured ability (an LSAT below 550) to be more similar in attitudes to the "bright" students (LSAT above 600) than were the students in the intermediate group (LSAT 550-599). Also, the lower scoring students had more complaints about the law school than did their colleagues. On the other hand, the more able students (LSAT 550 up) seemed to find it difficult to answer many of the questions without amending the offered alternatives to suit their qualified opinions.

3. Certain other questions, such as why the students chose the University of New Mexico Law School, are omitted from this paper although they were included in the original study.

conscious factors influencing each student, but he can state only a conscious reason. The answers to these questions give a general view of the type of student attracted to the University of New Mexico Law School.[4]

1. What were your primary reasons for deciding to seek a legal education?

Order of Importance			
1	2	3	
		1	To avoid the draft
2	6	9	Family encouragement
5	10	14	Expected income
10	14	6	Opportunity for service to society
34	8	6	Type of work
	4	1	Lack of other vocational choice
2	9	4	Dissatisfaction with previous vocational choice
6	3	11	Prestige of the profession
9	13	5	Expectation that non-legal career opportunities will be furthered by possession of legal training.
		1	Inability to gain entrance into medical school, dental school, or other professional school
1			OTHER: Forced change of occupation
2			Challenge to ability
		1	Be own boss and have a degree of freedom

4. Some of the questions and alternative answers in this first section were suggested by an article in a student publication of the University of Chicago. The Reporter, May 28, 1965, p. 5.

The answers to question 1 strongly suggest that law school was not a last resort for the first-year students. The students came because they thought the work done by attorneys was appealing. There is a strong service-to-society feeling among the students but there is also an obvious monetary motive influencing the decision to enter law school. The service-to-society selection may be the disguise for a plan to enter politics.[5]

2. What other career fields did you consider seriously before deciding to enter law school?

27	Teaching	9	Journalism
6	Medicine	3	Science
4	Ministry	4	Engineering
7	Military		Other (specify):
29	Business & finance	1	Ranching
6	Advertising	2	Insurance & real estate
23	Government career or politics	1	Historical research
5	Social work	2	None
12	Foreign service	1	History
7	Dramatics, art, music, or radio, television	1	Industrial relations
		1	University administration
		1	Economist

As might be expected, business and government occupied the interests of the students before they entered law school. One cannot say that they have abandoned their earlier career interests; rather, a legal education may be a sophistication or a development of interests in these fields. However, in view of the response to the subsequent question asking first preference in type of practice,[6] it appears that law students, despite their previous vocational interests, come to law school with an open mind about what type of legal practice they will enter. The indication of teaching as a popular interest before law school raises the question of how many young people, early in their academic careers, consider teaching as an occupation. A cross-check that might be considered in future studies is the relationship (if any) between teaching as an early interest and service-to-society motives for entering the legal profession.

5. See text accompanying question 6 *infra*.
6. See text accompanying question 9 *infra*.

3. Do you expect to graduate from law school?

62	Yes
0	No
9	Uncertain

If *No* or *Uncertain,* why?

4	Lack of ability
0	Lack of interest
3	Lack of money
0	Never had any intention of finishing

Other (specify):

1	motivation
1	uncertain because of not knowing what is wanted and what is expected and if "I will measure up"

This question was inserted almost as a whim. The first-year students had not had time to make a valid judgment as to their ability to maintain a satisfactory grade average, although by November 8, 1965, the day the survey was taken, they may have formed an opinion of whether or not the study of law was of sufficient interest to remain in school if the required grades were earned. After almost two months of classes, the first-year students still optimistically believed that they would graduate from law school. There was more unanimity in these answers than in the answers to any other question in the survey.

4. Suppose you needed a lawyer. Would you feel as confident in selecting a competent one from the first ten listed in the telephone directory as you would in selecting one of the first ten physicians listed in the telephone directory if you needed a doctor? (Ignore the possible need of a specialist.)

25	Yes
46	No

Question 4 is the first of a series of questions designed to elicit the attitudes of law students toward attorneys. An opinion of the relative education and training of physicians and attorneys was the thought behind the question. However, there are so many variables entering into the answering of this question, for example, overall

impression rather than the specific criterion of preparation for the profession, that it is difficult to know whether education or some other factor dictated any particular response. Whatever the question measured, opinions of relative training, trustworthiness, ability, or general impression, the students believed they could not as confidently select an attorney at random as they could a physician. Several of the students commented that they would not choose a doctor in this manner or they would feel equally uncertain in selecting a doctor.

5. Most lawyers are *more honest* than (check the space if you think lawyers are *more honest* than most people engaging in the work listed below):

35	Garage owners & mechanics	21	Policemen
52	Door-to-door salesmen	34	Bartenders
6	Physicians	6	Accountants
16	Stockbrokers	28	Butchers
37	Insurance men	43	Realtors

Each of the occupations listed presented some opportunity for objective dishonesty—for example, policemen taking bribes, bartenders short-changing or watering the drinks, butchers short-changing or giving false weights, or stockbrokers advising investor action that benefits the brokerage firm.

Two persons refused to answer the question and ten did not check any of the occupations. For the purpose of analyzing the question, it is assumed that the ten people who checked none of the categories intended to leave them all blank; several students stated this on their papers.

Over one-half of the students answering the question thought lawyers were more honest than garage mechanics and owners, door-to-door salesmen, insurance men, and realtors. Is there any relationship between the four occupations in which a majority of the students thought lawyers were more honest? The apparent relationship between them is that in each a degree of pressure-selling exists. For example, a garage owner or mechanic ostensibly may not use high pressure salesmanship, but when the average unknowledgeable car owner is told that something drastic will happen unless he has certain repairs made, the element of pressure becomes very real.

Lawyers are not more honest than physicians and accountants

according to the first-year students; nor are lawyers more honest than stockbrokers. Policemen received a vote of confidence: only 21 of the 69 students thought lawyers were more honest than policemen; of course, it could mean that policemen were thought to be equally trustworthy or untrustworthy. Lawyers may or may not be more honest than butchers and bartenders; opinion was divided.

This question reveals what one could already suspect—despite a code of professional ethics equivalent to medical ethics, lawyers have not succeeded in establishing a reputation superior to the reputation of people in some occupations that do not even pretend to have a formal code of ethics.

6. Most lawyers enter the profession primarily because:

Order of Importance			
1	2	3	
	3		they want an easy way of making a living
6	6	11	they want to get rich
2	3	1	there are more opportunities in law to protect and improve our American heritage
43	9	5	the type of work appeals to them
15	22	7	they want influence and prestige
2	2	3	they lack other vocational goals
1	6	6	they want to serve society
1	13	26	they want to enter politics
1	1		OTHER: income
		1	good background for business
	1		they want to help the average man
	1		a greater variety of fields to enter

Of the 69 people who answered this question, a distinct pattern was formed. First-year students think lawyers enter the profession primarily because (1) the type of work appeals to them; (2) they want influence and prestige, and (3) they want to enter politics. The desire for affluence was a fourth choice.

Unfortunately, the students themselves were not given the category "to enter politics" in the question that asked them their primary reasons for seeking a legal education (question 1). But it appears that unless our students camouflaged their desire to enter politics, they think other people are in the legal profession because they want influence and prestige, whereas the students claim to be seeking a legal education because they want to serve society. In question 1, 42 per cent of the students gave service to society as one of the reasons for entering law school, but in question 6, only 19 per cent of the students thought lawyers entered the profession in order to serve society; conversely, 57 per cent of the students thought lawyers chose the profession because they wanted to enter politics.

The same observation is true in regard to prestige. Only 33 per cent of the students gave prestige as a reason for seeking a legal education, but 64 per cent of them thought that lawyers entered the profession in pursuit of influence and prestige. The students were willing to admit they were interested in money; they would not admit they were after influence and prestige.

7. What are the annual earnings of the average lawyer?

This question was designed to find out how much first-year law students know or think they know about one aspect of the legal profession. Seven students said they did not know what the earnings were. The 64 students answering the question chose a range from 4,800 dollars to 25,000 dollars, with the average being 10,976 dollars. This average suggests that either the students are getting their information from conflicting sources or they are purely guessing the amount of income.

A recent survey listed the incomes of lawyers in eleven states, including New Mexico.[7] Most of the more populous states were not included; however, for the eleven states listed, the average income of lawyers was 13,700 dollars and for New Mexico the

7. 3 N.M. Bar Bull. 331 (1965) (reprinted from Res Gestae, Ind. State Bar Ass'n, Jan. 1965).

average was 14,000 dollars. In *Time* magazine the average income of lawyers working alone was stated as 8,000 dollars.[8] And in a third study compiled by the United States Treasury from 1961 income tax returns, the net income of sole practitioners was listed as 7,260 dollars; the net income of individual partners in a partnership was 16,800 dollars.[9]

At least for New Mexico, the first-year students do not have accurate knowledge of incomes; they underestimated the income stated in the first survey by 3,000 dollars. After reading the conflicting reports of incomes, one may argue with reason that there is no such thing as an average lawyer with an average income. If he exists, no one knows for sure what his income is.

8. Rank numerically in order of financial remuneration each of the types of legal practice listed below (1 = highest earnings).

   Trial lawyer (criminal)
   Trial lawyer (civil)
   Tax lawyer
   Estate planning and administration
   Business and commercial practice
   General practice (no specialty)

After weighting the answers (rank number multiplied by the number of persons marking each rank), the following is the order of remuneration in the opinion of 62 first-year students; 9 replies had to be disqualified.

(By the weighting method used, the lower the total score, the higher the rank.)

1.	Business & commercial practice	(136 points)
2.	Tax lawyer	(163)
3.	Trial lawyer (civil)	(200)
4.	Estate planning & administration	(209)
5.	Trial lawyer (criminal)	(266)
6.	General practice (no specialty)	(328)

8. Time, Jan. 24, 1964, p. 32. *Time* also reported that income of partners and associates was four times the amount earned by those practicing alone.
9. 50 A.B.A.J. 456 (1964).

It appears that first-year law students have the same impression of lawyers as many people have of physicians: the specialist makes more money than the general practitioner.

9. Which of the above types of practice do you consider your first choice?

3	Trial lawyer (criminal)
6	Trial lawyer (civil)
3	Tax lawyer
2	Estate planning & administration
10	Business & commercial practice
17	General practice (no specialty)
12	None of the above
18	Undecided

The 12 people who said "none of the above" wrote in: the aviation industry, teaching law, government contracts, natural resources, international law, real estate and water law, foreign investments, labor law (2 people), research, and civil liberties (2 people).

One-fourth of the students said they had not decided on a branch of the law; possibly the percentage is higher. Probably some of the students who marked "general practice" could more accurately be placed in the "undecided" category.

In view of the large number of students (29) who on question 2 *supra* said that they had seriously considered business and finance as an occupation before deciding to enter law school, it is surprising that more of them did not indicate a preference for a business and commercial practice. Only 13 chose some variety of business practice (including write-in answers). Most of the remaining 16 students indicated either that they were interested in a general practice or they were undecided.

Question 9 had been inserted as a check on the reasons for entering the legal profession. The theory was that after being asked to rank numerically the financial remuneration of each of six types of legal practice (question 8 *supra*), what the student then stated as

his choice of practice might be a better indicator of a desire to make money than question 1 where the intention of seeking a legal education because of the wish to make money had to be *conscious*. Also, students might not be willing to admit openly that they saw a legal education as the path to financial success.

On question 1, 29 students said that expected income was one of three chief reasons for entering the legal profession. Yet an analysis of their answers on questions 8 and 9 shows that only 9 of them indicated that their preference of practice was also the type of practice they thought yielded the highest or second highest remuneration. It would seem that if expected income were a real motivation, more of the 29 would have shown a preference for the type of practice which they thought was at or near the top of the earnings scale.

Eight people "just happened" to prefer the type of practice which they thought yielded the highest or second highest remuneration even though on question 1 they did not give expected income as a reason for choosing law. These eight gave seven different answers as their first reason for entering the legal profession.

The conclusion is that of the entire group of 71 first-year law students, those who have been drawn to the profession because of expected income are conscious of this reason and are willing to say so. But most of them have not at this time selected the type of practice that they think would most likely meet their income expectations (unless they think that they will be exceptions to their own estimate of the relative earning power of a particular type of practice).

Interestingly, first-year students influenced by expected income think the average lawyer earns only 10,260 dollars a year (in contrast to the average of 10,976 dollars estimated by the total first-year class). But the 18 students who expressed a desire to be of service to society and said nothing about expected income being an influencing factor estimated the average earnings of lawyers as 12,573 dollars. Could it be that entering law students who say they want to serve society do not admit that expected income is an influencing factor because they think that a lawyer has high earnings? They may think of the legal profession as a way of serving society without sacrificing personal comfort.

11. If you were convicted even though you were innocent, what do you think probably would be the reason?	10. If you were charged with a crime in your home state's court, what do you think would be your chances of a FAIR TRIAL?					
	90/10	Less than 50/50	60/40	50/50	100%	80/20
Inability to financially afford an adequate defense	7	1	3		3	7
An incompetent attorney	10		1		2	3
Use of unfair tactics by the prosecution						
An unfair advantage of the prosecution in gathering evidence	4					
A biased judge	1					
A bribed jury						
Fate (it just happened)	6				1	
A stupid or irresponsible jury (confused, controlled by emotion)	6		2		2	2
OTHER: Circumstantial evidence	1					1
Inability to get evidence	1					1
Discrimination by judge or jury				1		
Combination of above factors						1
A bribed judge			1			
A defense attorney impeded by self-interest						1
Jury simply believed the prosecution and not the defense	1					

The above chart is a coordination of the answers to questions 10 and 11. For example, one student thought on question 10 that he had less than a 50/50 chance of a fair trial. And he thought that if he were convicted even though he were innocent (question 11), it would be because he could not afford an adequate defense.

With these questions the students entered the section of the survey designed to elicit their opinions of the administration of justice. Question 10 was taken from the *Missouri Bar Prentice Hall*[10] study of lawyers and laymen in Missouri. The purpose of including this question was to compare opinions of the first-year law students with the results of the Missouri study. As a follow-up to the fair trial question, the students were asked why they thought they might be convicted although they were innocent (question 11) and whether they thought that the judge would have been more likely to acquit them (question 12 *infra*).

The Missouri study had a similar question designed to measure relative attitudes toward judge or jury decisions.

12. If you were convicted even though you were innocent, do you think that you would have had a greater chance of acquittal if the judge, rather than the jury, had made the decision?

37	Yes
33	No

Of 70 first-year students answering questions 10, 11, and 12, 61 (86 per cent) thought they had at least an 80 per cent chance of getting a fair trial if they were accused of a crime in a court of their home state. Rather than expecting that the prosecution, the judge, or the jury would be the cause of their conviction if they were innocent, a majority of students (57 per cent) thought that their convictions would result from some factor relating to their position in life, or, alternatively, to some factor primarily within their own control: money for an adequate defense, a competent and loyal attorney, and securing the necessary evidence. Unlike the students in the seminar who answered the pilot study, the beginning law students did not blame the jury for the misfortune of being convicted when innocent.

Since the students tended to think some personal factor would be the cause of their conviction, there was no consensus on whether or not they would have been acquitted if the judge, rather than the jury, had made the decision. Opinion was about equally divided: 37 thought the judge would have been more likely to acquit them, 33 thought the likelihood would have been no greater.

10. Missouri Bar Prentice Hall Survey (1963).

From the answers of 2,514 Missouri laymen responding to the fair trial question, the following results were compiled:[11]

Chance of a fair trial	
100%	20%
90/10	29%
80/20	13%
60/40	5%
50/50	30%
Less than 50/50	3%

In contrast to the 86 per cent of first-year law students at the University of New Mexico who thought they had at least an 80 per cent chance of getting a fair trial, only 62 per cent of the Missouri laymen thought that they had an 80 per cent chance of getting a fair trial. And while 3 per cent of the first-year law students (only 2 people) thought their chances of getting a fair trial were 50/50 or less, 33 per cent of the Missouri laymen believed they had no more than a 50/50 chance of getting a fair trial. The law students have a much higher opinion of the administration of the law as it might be applied to themselves than do the Missouri laymen.

The Missouri laymen and the first-year law students differ slightly in their opinions concerning the effect of the judge or the jury making the decision. The laymen were asked, "Would you prefer to have your case decided by 12 jurors or a judge?" Their responses were:[12]

No opinion	11%
Prefer judge	33%
Prefer jury	55%

Assuming that the student response indicating that the judge would have been more likely to acquit them had they been innocent means the same thing as laymen preferring the judge to make the decision, the students are more likely to prefer the judge than are laymen. However, the Missouri survey admitted, "although the public prefers to have their case tried by a jury, they have a sub-

11. *Id.* at 25.
12. *Id.* at 174-75.

stantially higher regard for both judges and lawyers than they do for juries as such."[13]

13. Do you believe a situation could conceivably arise in which a defense attorney might be justified in using perjured testimony in order to get an innocent client acquitted?

15	Yes
53	No

This question was intended to measure the degree of feeling toward honesty. The third-person phrasing was chosen in order to get a more accurate response since a student would be less likely to see this question as a probe into his own personality. Yet it is suspected that a person who could imagine a justifiable perjury situation might use perjury if it were necessary in his own practice. One who totally rejected the possibility of using perjury would be less likely to indulge in such action. Another interpretation might be that a person's response to this question reflects an attitude toward law enforcement: his sense of justice is greater than his respect for the law.

14. The practice of capital punishment should be:

3	Increased	7	Abolished except for heinous crimes such as:
20	Maintained		rape of a small child
36	Abolished completely		rape
8	Abolished except for treason		kidnapping
6	Abolished except for first degree murder		military desertion or cowardice

Some of the students said that capital punishment should be "abolished except for," and then marked several of the crime categories or wrote in answers under the "heinous crimes" choice. Probably most of these people actually tend toward maintaining capital punishment as it now exists.

Several times in recent years the New Mexico legislature has considered bills to abolish the death penalty. Student opinion on this issue may help explain why the legislature has never passed such a bill. And if, as expected, these students become leaders in the state, capital punishment will continue to exist for many years.

13. *Id.* at 177.

15. An innocent person is arrested and jailed for a crime. Through inattention of his jailors and without the use of any violence, he escapes before trial. Later he is apprehended and tried, but acquitted of the crime for which he was arrested. Should he now be tried on the charge of escape?

51	Yes
20	No

Respect for the law, in contrast to a desire for justice, were the conflicting goals underlying question 15. Respect for the law would be reflected by a response favoring trying an innocent person for escaping jail while awaiting trial. Answering that an innocent person should not be tried for escaping may indicate a stronger sense of justice, although it is true that a person merely antagonistic to the law would answer the question in the same way.

If this question did measure respect for the law (a "yes" answer), then most first-year students respect the law even when there is error in its administration.

Contrary to expectations, there was no pattern whereby a person answering this question "no" was more likely to see the possibility of using perjury (question 13 *supra*); or to think that a client known to be guilty deserved his freedom if he could outsmart the prosecution (question 16 *infra*); or to believe that the Supreme Court decisions restricting methods used by law enforcement officials have been "long overdue" (question 17 *infra*). The 20 first-year students who think an innocent person who escapes should not be tried for escape are divided in opinion on these questions in about the same proportion as the 51 people who think the escapee should be tried.

16. A person accused of a crime confesses his guilt to his attorney but not to the police. The attitude of the attorney should be:

17	Take the case; even if the defendant is guilty, make the prosecution prove it.
1	Take the case; if the defense is smart enough to get the defendant acquitted, then he deserves his freedom.
45	Refuse the case unless the defendant will plead guilty (then try to mitigate the sentence).
0	Refuse the case; tell the defendant to go to another lawyer who doesn't know of the confession to the first attorney.

Other (specify):

1 Impossible to answer
3 Take the case to give full protection and due process
1 Take the case, plead guilty and try to mitigate the sentence
1 Depends on the circumstances
1 Take the case and do best job possible for client
1 Refuse the case unless defendant will plead guilty, then make sure punishment fits the crime

Compliance with legal ethics as well as an indication of attitude toward the administration of justice are joined in question 16.

Defiance of the law is suggested by the response, "Take the case; if the defense is smart enough to get the defendant acquitted, then he deserves his freedom;" mild defiance, more in the nature of making a trial a sporting event, exists in the suggestion, "Take the case; even if the defendant is guilty make the prosecution prove it."

The students had been told there were no "right" answers to any of the questions on the survey. However, the great popularity of one answer on this question suggests that perhaps the students disregarded their directive to state what they thought personally rather than to choose what they believed to be a "right" answer. Yet a sizeable number of them chose the sporting-event theory of trials: don't give in, make the prosecution prove guilt. The meaning of several of the write-in answers is a mystery.

But what about the one person who said, "Take the case; if the defense is smart enough to get the defendant acquitted; then he deserves his freedom"? In examining his other answers in the survey, there is no clue that he is any different than his peers. One of his reasons for deciding to seek a legal education was in order to be of service to society; he thinks he would have a 90/10 chance of a fair trial; he does not think that a situation justifying perjury might arise; he thinks that an innocent person who escapes before trial should be tried on the charge of escape; and, like many other people, he believes that restraints on police officials have been long overdue. The only unusual response this person gave was to question 5 (lawyers are more honest than). He thinks lawyers are more honest than the persons engaging in any of the occupations included; every one of the categories was checked. The response pattern of this person suggests that his anti-societal answer in the present question was merely an aberration.

17. Many law enforcement officials have decried recent Supreme Court decisions because they have laid down more stringent requirements in the apprehension of suspects, in the seizure of evidence, in the use of evidence at trial, in the questioning of suspects, in the time when legal advice must be afforded, and in the method of getting confessions. What is your opinion?

1 Police officials should not be hampered in their duty of putting criminals behind bars.

28 These restraints on police officials have long been overdue.

29 Some restraints were necessary, but not to the extent now imposed by the Supreme Court.

5 Police officials should be given more means of apprehending criminals (e.g. recording devices, hidden microphones, etc.).

6 Don't know.

Revised answers written in:

1 These restraints are justified.

1 These restraints have probably been long overdue.

Although this question seemingly requires factual knowledge, it was inserted not to test knowledge but to discover attitudes, the idea being that a majority of people have certain attitudes about police practices whether or not they know anything about the Supreme Court decisions of recent years. The response to the question indicates that first-year law students do have definite opinions. Over 80 per cent think that at least some restraints on past police practices were necessary. By implication, the controversial issue is whether too many restraints have been imposed or not enough.

III

SUMMARY OF FINDINGS

A. Attitudes of First-Year Law Students Toward Themselves and Their Present Surroundings

Most first-year law students decided to seek a legal education because of the type of work they anticipated, because of an opportunity to serve society, or because of the expected income. To a lesser degree, a legal education is considered good training for some other vocation.

Before entering law school, most students considered business, government careers, or teaching as future occupations.

Despite a recognized interest in earnings, at the time of the survey, few of the students had chosen a branch of the law which they themselves thought to be one of the lucrative types of practice. But there was a tendency for those desiring to serve society to estimate the income of attorneys higher than those who admitted that expected income was one of their primary reasons for seeking a legal education.

B. Attitudes of First-Year Law Students Toward Attorneys

The students did not think that the average lawyer was as well trained as the average physician.

Lawyers were thought to be more honest than garage owners and mechanics, door-to-door salesmen, insurance men, and realtors. But lawyers were not more honest than physicians, stockbrokers, and accountants. Policemen, butchers, and particularly bartenders were in a middle area; opinion was divided on whether or not lawyers were more honest than persons engaging in these occupations.

Although the students agreed that lawyers entered the profession for one of the same reasons that the students chose it—the type of work—they thought prestige and politics were the other important reasons for lawyers entering the profession, whereas the students said their own motives were service to society and expected income. Very likely there is no basic difference between reasons: income leads to influence and prestige, and service to society can include politics.

First-year students thought that business and commercial practice yielded the highest earnings, followed by tax, civil trial, estate planning and administration, criminal trial, and general practice. The generalist in law seemed to have the same relative standing as the generalist in medicine. Probably the income of lawyers was underestimated by the students.

C. Attitudes of First-Year Law Students Toward the Administration of Justice

A great majority of first-year students (86 per cent) believed that they would get a fair trial if charged with a crime—that is, at least an 80 per cent chance of a fair trial. Interestingly, most of them thought that if they were convicted though innocent, it would be because of some weakness or situation in which they found them-

selves rather than because of some injustice in the system, that is, being unable to afford an adequate defense, having an incompetent attorney, or being unable to get the evidence necessary for acquittal.

The jury system was not attacked as the reason for an innocent defendant being convicted, but it was left in doubt when 52 per cent of the students said they thought the judge would have been more likely to acquit if he had had the power to make the decision.

Beginning law students apparently do not object greatly to the present standards for administering justice. Most of them cannot justify perjury even as a desperate means of getting an innocent person acquitted. A large majority (72 per cent) think that a person should not be exonerated if he escapes while awaiting trial for a crime that he did not commit. Few first-year students would permit a guilty client to go through trial pretending he was innocent.

Most of the students appear to have disliked past police practices, the question now being how much restriction should be imposed on the police in their activities. What to do about capital punishment was another issue among first-year students. A bare majority wanted to abolish capital punishment completely; a large number wanted to maintain it as they thought it was at present; a few even wanted to increase the use of capital punishment. First-year law students are more divided in opinion about the *mechanics* of administering justice than they are in questions of honesty and ethics.

IV

DIFFERENCES BASED ON CLASS

The first draft of the questionnaire was given to 24 people enrolled in the course-seminar on the legal profession. All but 1 of the 24 were second or third-year students, the one exception being a person in the combined undergraduate-law curriculum. Originally the only purpose of the pilot study was to uncover defects in the questionnaire before giving it to the first-year class. However, the temptation to compare the answers of the first-year class with the answers of the seminar people was too great to ignore.

A greater percentage of upperclass students than first-year students tended to think lawyers were more honest than persons engaging in the ten occupations suggested in question 5.

The seminar ranking of financial remuneration by type of practice was in the following order: business and commercial practice,

tax law, estate planning and administration, civil trial practice, general practice, and criminal practice. No significant variation from the ranking given by the first-year students occurred.

An expected difference between the two groups was confirmed: all the seminar people had tentatively decided on some type of law practice.

If different from the first-year students in any way, the seminar students were different in their attitudes toward the administration of justice. They were more skeptical than were the first-year students. A smaller percentage of the upperclassmen than first-year students through they would get a fair trial (question 10); 86 per cent of the first-year students said they had at least an 80 per cent chance of a fair trial, but only 58 per cent of the seminar people thought the same. More of the upperclassmen thought jury error would be the cause of their conviction even though they were innocent.

A difficulty in studying the seminar group is that so few people were included. However, on the basis of the statistics available, there were some differences between the Class of 1968 and the people included in the seminar survey, but no outstanding differences were apparent.

CONCLUSION

Why do people choose to study law? This survey uncovered specific answers. What the law students think of attorneys and of the administration of justice is not so apparent, but answers are suggested.

One indication is clear: additional research on both present and future students as they progress through school and after they leave could be beneficial in developing the program offered in the law school. The research reported in this paper is a hint of the potential usefulness of a continued study of law students at the University of New Mexico and at other law schools.

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