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PLAYING CATCH-UP: HOW TO HELP FIRST-GENERATION STUDENTS THRIVE IN THE LEGAL PROFESSION

by CAROLYN YOUNG LARMORE

I was like, “oh, wow! These other externs actually know what they’re doing!” And there’s some students that have . . . grown up in this world . . . I didn’t have that. So, I think it’s just crazy, comparing things that I’m seeing for the first time versus the person next to me, they’re like, “yeah, this has been my life; I already knew I was going to do this.” So, I think that’s when imposter syndrome kind of hits.

I had never been in a courtroom before, so I really didn’t understand what anything was like. [I could have used] even just a basic rundown of “here’s how the courts work and what this looks

like.” I don’t know if they assumed that maybe our first year of law school would teach us that. I don’t really remember learning that, though. So, yeah, I think it would have been good to know, because I felt like I was playing catch-up.

The preceding reflections about first work experiences were shared by two recent law school graduates. These graduates have little in common with one another—they went to different law schools in different parts of the country, come from different ethnic backgrounds, and worked in different practice areas. What they have in common is this: they

were both the first person in their immediate families to graduate from college, let alone law school. And they both struggled in their first externships.

With summer approaching, this article seeks to shed light on the specific challenges that first-generation law students encounter during summer externships and clerkships. It advocates for a more inclusive and supportive atmosphere within the legal profession. By providing guidance for their supervisors, it aims to support the creation of environments that allow first-gen students to thrive during their early legal careers.



Who Is “First-Gen”?

The generally accepted definition of a first-generation (“first-gen”) college student is one whose parents did not graduate with a four-year college degree.¹ This is in contrast to “continuing-gen” students who have at least one college graduate parent. And there are also “first-gen professionals” whose parents never worked in an office environment. This article will focus on first-gen college students who have enrolled in law school, many of whom are also first-gen professionals.

According to the Law School Survey of Student Engagement (LSSSE), 26% of law students nationally identify as first-gen.² The following statistics describe aspects of the first-gen identity.

To begin, first-gen students tend to be older than their continuing-gen counterparts: 54% of first-gen students are over twenty-five during law school, as compared to 44% of continuing-gen students.³

Second, first-gen students may also be immigrants or come from immigrant families. Approximately 10% of first-gen students in college are first-generation immigrants, and nearly 25% are the children of immigrants.⁴

Third, “[s]tudents of color from every racial group are more likely than white students to be first-gen.”⁵ For example, 53% of Latinx law students and 36% of Black law students are first-gen.⁶

Fourth, 44% of first-gen law students “spend time caring for dependents, compared to 33%” of continuing-gen students.⁷

Fifth, first-gen students tend to take out student loans at a greater rate than continuing-gen students, with 24% of continuing-gen students expecting to graduate with no law school debt compared to half as many first-gen students.⁸ They are also more likely to be from low-income backgrounds and need to work for pay during school.⁹ In fact, not only are first-gen students more likely to be employed during law school, they also generally work more hours than continuing-gen students.¹⁰

Sixth, because of care responsibilities and the need to work, many first-gen students pursued their college degrees part-time, and 10% more of the first-gen students in law school are enrolled part-time as compared to their continuing-gen peers.

Seventh, work needs and family obligations may lead to first-gen law students earning somewhat lower grades and taking on fewer co- and extra-curricular activities like law review, moot court, and student organization membership while in law school.¹¹ That said,

first-gen 1Ls study for one more hour every week than continuing-gen students, “and a full three more hours per week by the time they are 3Ls.”¹²

Finally, a National Association for Law Placement (NALP) study determined that only 73% of first-gen law students from the class of 2020 obtained post-grad legal jobs, compared to 84% of continuing-gen students.¹³

In addition to the picture these statistics paint of first-gen students, studies have shown they have other characteristics in common as well. First-gen students often lack networks, social and cultural capital, and family support.¹⁴ And first-gen students and professionals are often unaware of the unwritten rules of the office.¹⁵

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On the other hand, first-gen students should not be viewed through a lens that only sees their deficits. Studies have shown that first-gen students can be more proactive, resourceful, self-reliant, goal directed, and realistic than their continuing-gen peers.¹⁶ They also exhibit grit and strategic thinking, are flexible, persistent, insightful, compassionate, grateful, and optimistic.¹⁷ Each of these is a useful trait for an extern, law clerk, or junior attorney to possess.

Why Externships and Clerkships are the Perfect Training Ground for First-Gen Students

Externships and clerkships are so important to those with less familiarity with the professional and legal world because they offer “an excellent platform from which to teach

the skills law students need to be ‘practice-ready’—not only knowledge and substance, and skills and practice, but also understanding of professional identity, purpose, and legal ethics.”¹⁸ “The hope is to facilitate acclimation into and participation in the real world of legal practice so that the student gains a solid comfort level in functioning effectively as an entry-level attorney.”¹⁹

Externships and other early legal job experiences are particularly important for first-gen students “who lack[] the benefit of professional parents and/or immediate family members, ‘prep’ programs, or other exposure that may have helped them successfully access and navigate the workplace.”²⁰ This makes them the perfect forum for first-gen law students to try on the professional identity of “lawyer.” As one observer put it, “[t]here is no way for students to study up on these rules [of the profession], no matter how diligent or well-prepared they are, because they are acquired only through experience.”²¹

What Supervisors Can Do for First-Gen Externs and Clerks

There are a handful of things legal supervisors can do to support first-gen law students.

Recruit First-Gen Students. The first thing that law firms and legal organizations can do to support first-gen students is recruit them to begin with. Employers can reach out to first-gen law school groups or at least identify “first-gen” as one of the groups they are seeking to attract with their recruiting materials. As explained above, first-gen students have many desirable qualities such as resourcefulness, self-reliance, compassion, and proactivity.

But supervisors must do more than just recruit and hire first-gen students and then leave them to their own devices: they must familiarize themselves with some of the characteristics of first-gen students and professionals and prepare to support them throughout the job experience. The following are some of those methods of support.

Offer More Orientation and Training. All organizations should offer some orientation and training when their extern or clerk begins. But first-gen students may need more than a quick introduction to where the copy machine is located and what the Westlaw password is. First-gen students may also be first-gen professionals with little experience in an office environment. Thus, supervisors should be attentive; if the student seems confused or overwhelmed during the office tour or other orientation, take it slow, and be sure to let

them know to whom they can go when they have questions. And consider creating written material such as an extern manual that new hires can read at their own pace.

Provide Mentoring and Feedback.

To support first-gen students, supervisors should do more than merely supervise work product. They should offer more in-depth mentoring. Mentoring can include things like coaching and advice, help with networking, as well as offering counseling, friendship, and role modeling. Mentors also “provide meaningful feedback, reinforce lessons learned from experience, and provide solace and encouragement when setbacks occur.”²² A good mentor can also help a first-gen student “build self-confidence, a sense of self-worth, professional judgment, and intuition. Mentors offer acceptance and validation, confirm mentees’ competence as professionals, and help mentees see that they have the ability to turn their aspirations into achievements.”²³

Even better, larger law firms might be able to match the student with a supervisor mentor who was also first-gen, giving the student a role model to emulate and some insight into those unwritten rules. If a first-gen mentor is unsure whether a mentee is first-gen, the mentor should be encouraged to reveal their own first-gen status to any extern or clerk they may seek to mentor, thus encouraging a possible first-gen student to share their own background.

With regard to feedback, all students, not just first-gen, should receive more than a red-lined document or marked-up memo for feedback. Supervisors should take the time to explain not just what needs to be changed, but why, with specific examples where possible.

Help the Extern or Clerk to Network.

Externships and clerkships are a great way for students to get beyond the four walls of the law school and meet real lawyers who can begin to comprise their network, both inside the law firm and in the greater legal community. Legal networks are all the more crucial to first-gen students who come to law school without much of a professional network. Thus, supervisors should make every effort to help first-gen students build their networks by inviting them to observe court proceedings, depositions, and closings; introducing them to colleagues; taking them to bar events or continuing legal education presentations; and inviting them to socialize with other lawyers. While some creativity may be needed if the work is remote, Zoom coffee dates, brown bags,

speaker series, or other similar events can be created.

Start a First-Gen Affinity Group. Larger workplaces may want to consider creating an affinity group for first-gen lawyers they employ, and to invite externs to join. An affinity group, also known as an employee resource group, is a voluntary organization formed by employees who share a common background, identity, or experience.²⁴ These groups can serve as a support network, providing a space for employees with shared characteristics to connect, collaborate, and advocate for their needs within the workplace. For first-gen students in an unfamiliar office environment, an affinity group can offer a sense of belonging, peer support and mentorship, and networking opportunities.

Temper Expectations and Be Kind.

Ultimately, the most important advice for supervisors is to go easy on their externs and clerks, especially those who are first-gen. As one first-gen young lawyer put it, “I think it’s cliché, but [my first employer] could have just remembered what it was like for themselves. You know, the first time they started working somewhere.” She continued that, “if somebody does mess up, it’s not that . . . they’re lazy. It’s not that they’re not trying. Maybe they’re confused or overwhelmed, or they’re just learning.”

ENDNOTES

(1) See the Higher Education Act of 1965, 20 U.S.C. § 1070(f)(1).

(2) Chad Christensen, Jacquelyn Petzold, & Meera E. Deo, LSSSE 2023 Annual Report: Focus on First-Generation Students (2023), 7.

(3) *Id.*

(4) Ilana Hamilton, *56% of All Undergraduates Are First-Generation College Students*, Forbes (June 13, 2023), <https://www.forbes.com/advisor/education/first-generation-college-students-by-state/>.

(5) Christensen, et. al, *supra* note 2, at 7.

(6) *Id.*

(7) *Id.* at 11.

(8) *Id.* at 10.

(9) *Id.* at 10, 12.

(10) *Id.* at 12.

(11) *Id.* at 9, 14.

(12) *Id.* at 12.

(13) Debra Cassens Weiss, *First-Generation College Grads Find Fewer Jobs After Law School Than Their Peers*, *New NALP Data Says*, ABA Journal (Oct. 20, 2021), <https://www.abajournal.com/news/article/first-generation-college-grads-find-fewer-jobs->

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(14) Jacqueline M. O’Bryant & Katharine Traylor Schaffzin, *First-Generation Students in Law School: A Proven Success Model*, 70 Ark. L. Rev. 913, 920-21 (2018).

(15) Tinisha L. Agramonte, *First-Generation Professionals (FGP) Initiative, Designed to Unlock and Unleash FGPs’ Full Potential*, U.S. Dept. of Commerce (2018), <https://www.hud.gov/sites/dfiles/ED/images/6.7.18-FirstGenerationProfessionalInitiativeGeneral20Oct20171700hrs.pdf>.

(16) Nancy J. Garrison & Douglas S. Gardner, *Assets First-Generation College Students Bring to the Higher Education Setting* (2012) at 26-47, <https://files.eric.ed.gov/fulltext/ED539775.pdf>.

(17) *Id.*

(18) Nancy M. Maurer & Liz Ryan Cole, *Design, Teach and Manage: Ensuring Educational Integrity in Field Placement Courses*, 19 Clinical L. Rev. 115, 128 (2012).


(19) Anahid Gharakhanian, *ABA Standard 305’s “Guided Reflections”: A Perfect Fit for Guided Fieldwork*, 14 Clinical L. Rev. 61, 66 (2007).

(20) Agramonte, *supra* note 15.

(21) Melissa A. Hale, *The Importance of Supporting First-Generation Law Students*, LSSSE (Nov. 9, 2022), <https://lssse.indiana.edu/blog/guest-post-the-importance-of-supporting-first-generation-law-students/>.

(22) Ida O. Abbott, *The Lawyers Guide to Mentoring*, 83 (2d ed. 2018).

(23) *Id.* at 84.

(24) See Mishell Parreno Taylor, *Today’s Affinity Groups: Risks and Rewards*, (Oct. 11, 2019), <https://www.shrm.org/topics-tools/employment-law-compliance/todays-affinity-groups-risks-rewards>. 

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