



- Alison Monahan: Welcome back to The Law School Toolbox podcast. This week, we're talking about LLM programs, with a special emphasis on foreign students who are coming to the US for their LLM. Your Law School Toolbox hosts are Alison Monahan, that's me, and Lee Burgess. We're here to demystify the law school and early legal career experience so that you'll be the best law student and lawyer you can be.
- Together, we're the co-creators of the [Law School Toolbox](#), the [Bar Exam Toolbox](#), and the career related website [CareerDicta](#). I also run [The Girl's Guide to Law School](#). If you enjoy the show, please leave a review or rating on your favorite listening app. And if you have any questions, don't hesitate to reach out to us. You can always reach us via the [contact form](#) on LawSchoolToolBox.com, and we would love to hear from you. With that, let's get started.
- Lee Burgess: Welcome back to The Law School Toolbox podcast. This week, we're talking about LLM programs, with a special emphasis on foreign students coming to the US for an LLM. So Alison, first off, what is an LLM and who is likely to do one?
- Alison Monahan: Well, the LLM is typically done after a first degree or qualification in law. You can do this if you have a JD from the US, and those people tend to be doing more specialized LLM programs. Some of the most common areas would be a tax LLM, something like intellectual property, human rights, international environmental law. These things are fairly specific. US students will often go and do an LLM. They sometimes see it as a good way to upgrade their law school. If you go do the tax LLM at NYU for example, maybe came from a less prestigious school, it's probably going to improve your job prospects.
- Lee Burgess: And it's usually a year.
- Alison Monahan: Yeah, it's a year full-time or sometimes they have part-time, two year programs. But typically, it's one year. But what we're really talking about are these LLMs that are more general. And they're typically done by foreign students who want to have some type of exposure to US law. And also, a lot of states require that you do an LLM to sit for the bar. So, in this case, you're a practicing lawyer, you're admitted in a different country, and for whatever reason you want either to practice in the US or you want to be able to take that knowledge back to your home country, maybe do cross border type of things. But you're basically looking for that general exposure.
- Lee Burgess: Yeah. I think that it is important to know that if you are a foreign trained lawyer, that you can get licensed in a lot of jurisdictions without getting an LLM.
- Alison Monahan: It depends.
- Lee Burgess: Like in California. But that's got its own tricks.



- Alison Monahan: And also I'm not sure I'd say a lot. I think generally speaking, most states require some sort of legal education in the US, but some of the bigger states don't; California for example. So, if you're admitted in a different jurisdiction, you can sit for the bar in California. Whether that's a good idea or you're likely to pass, different question. But you can do it. So, typically in the course of the LLM, if you're a foreign attorney, you're going to have some type of survey course that's kind of like introduction to American law. You might spend one week on each major topic area. Here's your com law week, here's your civil procedure week. And then typically, you're going to take one or two substantive classes that first year students would take. And so those are going to be more of a deep dive. And sometimes, depending on the school, you'll take them alongside JD students. The problem comes when people decide that they're going to sit for the bar and the question is, is this sufficient? And so, we're going to talk about that in quite a bit of detail because I think it's something to be concerned about really from the beginning.
- Lee Burgess: Yeah, because you're competing and sitting next to people who have taken three years of law school.
- Alison Monahan: Right, exactly. Before we get into that, let's talk about some of the challenges that foreign students might face in their LLM programs.
- Lee Burgess: I think the first one is the legal systems vary greatly.
- Alison Monahan: Right. If you're coming from a civil law country and this is your first introduction to the common law, it can be pretty weird.
- Lee Burgess: Yeah, it definitely can be weird. And I think that it's also its own separate foreign language. American law students who are starting out and who English is their primary language, they find the legal jargon and starting law school to be very complicated. And if you add on that English maybe isn't your first language or that you haven't gone to school and been practicing around some of this language, I think it can be a lot to take in.
- Alison Monahan: Yeah, absolutely. I think it can be really overwhelming. And just not having a ton of background, you don't really understand how the federal system is structured. Frankly, a lot of incoming JD students don't really understand that, and they grew up reading about Supreme Court cases and things like that. So, I think getting some of those basics can help just generally understanding what's going on.
- Lee Burgess: I think there are sometimes LLMs who are kind of on vacation and not taking the program particularly seriously.



- Alison Monahan: That's definitely the case. I was at Colombia and they have a huge LLM class, and those people are great. I loved hanging out with them. If you ever wanted to go party on a Tuesday night, those were your people. A lot of them were very successful in their home countries, they kind of viewed this as a sabbatical. Often times they were not paying for this, their government might have been paying or their firm was paying back from wherever they've come from. And they had a great time, but they didn't necessarily take it that seriously.
- Lee Burgess: So, that can be tough if you are taking it seriously, if you feel like everybody else is on vacation and you're trying to buckle down. So, things to consider when creating your social circle.
- Alison Monahan: Yeah. Maybe you should hang out with some JDs in the class instead because they'll be very serious.
- Lee Burgess: Right. We already mentioned a little bit that the legal systems might be different, but this substantive material can be very... I guess "foreign" may be the wrong word. I was like, "That sounds silly." But, I've worked with a lot of foreign trained lawyers studying for the bar exam and it is always eye opening to me what we assume everybody understands. Especially for subjects like constitutional law and things that I think even if you just grow up as an American and you took civics and you get some exposure by listening to the news, that you understand a little bit about how our system is structured. I think it can be very overwhelming to come in and try and understand some of these... They're big pieces of American law, but they function very differently than a lot of other countries.
- Alison Monahan: Right, even things like the separation of powers. It's like, things may be different.
- Lee Burgess: The Bill of Rights and how the Bill of Rights are structured. Thinking about constitutional law, this idea that we have all these different levels of scrutiny based on the history of how cruel we have been to certain groups of people. When you just start to think about it, if you haven't been exposed to this idea, it can be a lot to take in.
- Alison Monahan: And then just things like the American belief in the very, very, very strong freedom of speech and things like that, or gun laws that are very different from most of the rest of the world. So, this can be very interesting, but you're definitely going to have to get up to speed on what are the differences here.
- Lee Burgess: Right. And what is discussed in legal classes is different than what is discussed in the news. So the news might make it sound like constitutional law is one thing, but the actual law can say different things.



- Alison Monahan: Yeah, exactly.
- Lee Burgess: It is an interesting time. Interesting times. I kind of mentioned this, but I think language issues are also something that you just have to be aware of. If you are not fluent in reading and writing in English, I think these classes can be a real challenge, because the volume of reading, especially for these doctrinal classes that you're going to sit for is going to be huge.
- Alison Monahan: Yeah. And I think this is the case where you definitely want to avail yourself of available supplements and things like that. Not to replace that reading, seeing it's important that you do the majority of it, but to help you get a grasp on what's important here and what do I really need to know? You probably don't have as much exposure to the legal system and the tools that are available. So, even just asking around, going to the campus bookstore, looking on Amazon. Very few people are getting through these classes without some type of commercial supplements. It's the reality.
- Lee Burgess: Right. And it's maybe the JD students who are a little more dialed in to what that could be. So, if you have JD friends, it's possible that they've heard from their other JD friends.
- Alison Monahan: And sometimes they grade the JDs and LLMS separately, so there may not be such a competition. Typically law students in the US, let's face it, are pretty competitive and they don't really help each other that much outside of maybe a very small study group. But if you're taking classes alongside them, particularly if you're going to have a separate grading curve, then maybe you can join their study group or get some resources from them. But the reality is, if you're all graded on the same curve, they're probably going to be pretty competitive. They might not want to help you very much.
- Lee Burgess: It's true. The other thing that could be kind of weird is the Socratic method for people who aren't familiar with it.
- Alison Monahan: Yeah. So, what is that?
- Lee Burgess: So, the Socratic method is a traditional teaching method used in law schools, which is question-based. So, the professor is using the student's answers to guide the discussion and to teach. It depends on the law school and it depends on the professor how strictly they're doing this. If you are an LLM and you have no idea what this is, you can watch old school movies like *One L* and things like that. *The Paper Chase*, that will give you an example of those. But the idea is that the professors teach through questions. This isn't always executed well. But this can be a frustrating way to learn if you are unfamiliar with this material, and also, it could be weird if you're a practicing lawyer and successful in your home country to be treated like a young student who knows nothing.



Alison Monahan: Right, which is kind of the tendency. They tend to put the professor up on this pedestal who is all-knowing, and the students know nothing. And you've already been licensed in another jurisdiction, you know things. So I think sometimes that can be an adjustment for people, where you might expect the professor to treat you more like a peer and they're not doing that. And it's nothing personal necessarily. If went to office hours and chatted with them, they might treat you more like a peer. But in class, they're going to basically treat you like you do not know anything.

Lee Burgess: Right. I think that is very true. So, if you're going to take on this experience and if you're a little intimidated by it, what can you do to prepare to get the most out of your year?

Alison Monahan: I think thinking about what you actually want to get out of it. Maybe your goal is to be there and network and make connections all over the world, and you want to have business. Business development is your goal for this LLM program, and great. Do the minimum you need to pass. If you don't need to take the bar, don't worry about it. Go out drinking every night, make connections with other LLMs, meet some JDs, hang out with your professors and administrators, go to business school parties if there's a business school at your law school. That's totally fine. I think you just want to think about what you're looking to get out of this experience, and if it is more of an academic bent, then you're going to have to plan ahead.

Lee Burgess: That's true. And we have resources that can help you with this, but I think programs like our [Start Law School Right program](#) that can introduce you to how you as law students are going to be studying, what the Socratic method is, what the writing style is. Because I think another area that can be challenging is to get immersed in the style that the law professors are looking for in the US, because that may be very different from your home country. And if you're just taking a couple of doctrinal classes, you're not going to get as much exposure to it as you would if you were taking a full 1L course.

Alison Monahan: Right. I think what people don't understand is, no one's necessarily going to sit you down and explain all this to you. Particularly in a lot of countries, law is a first degree. So you might have gone in at 18 and there probably was more hand holding than there would be in the US where this is a graduate degree. They expect you to have figured out how things work, they expect you to do a lot of research on your own about expectations. You want to be sure that you know what those expectations are. What does a law school exam look like? Because what you're doing in class might be very different from what you're expected to do on the exam. And the place to find that out is not on the exam. You want to have done some practice tests beforehand and that kind of thing. And again, people have different goals. Are you aiming to do really, really well in your classes, do you just want to pass? What are your goals here and does it matter?



I think part of it too is that it's worth thinking about this as a life experience and what you are getting out of that. Are there places you want to visit nearby, sports teams you want to see or join, or whatever? You don't have to be just cloistered in a library. I think that would be a loss for most people who are coming to a new country to study. But, at the same time, you may as well make the academics as smooth for yourself as you can.

Lee Burgess: Yeah. And if you know where you're going to be attending school, you should ask some questions about what sort of academic support they might have. Maybe they have a writing clinic-type program where they can help you with the legal writing. I think that it is important if you're either choosing which school you're going to or you know which school you're going to, that you spend a little time working your resources, because this experience is not inexpensive. So, you might as well get all that you can out of it while you're there.

Alison Monahan: Right. And certain schools may have resources outside of the law school. Is there a writing center elsewhere on campus that you can connect with? That kind of thing, to make your life as easy as possible so that you do as well as you can and you get a lot out of it, but you don't drive yourself totally crazy.

Lee Burgess: Yeah. We talked about this a little bit at the beginning of the podcast, but let's switch to this idea of the bar exam. Because I do think a lot of LLMs are coming here to sit and get licensed in the US.

Alison Monahan: Right. So, if that is your goal, I think you need to be smart about that, because the reality is, the kind of basic curriculum of an LLM does not really prepare most people to take the bar.

Lee Burgess: Right. Because you're only taking one or two of the 13 plus subjects that are going to be on the test.

Alison Monahan: Yeah. So, to the extent that you don't anything about the bar exam, we have lots of podcasts you can listen to. We even have a whole [Bar Exam Toolbox podcast](#) you can look up. But the basic idea is, generally speaking, you're going to have a day of multiple choice questions that cover seven topics, and then you're going to have a day of a combination of essays and something called the performance test, which is kind of like what you would do in practice. So, you want to make sure that those seven topics for the MBE, which is the multiple choice, you've got to know some of those.

Lee Burgess: Yeah. And it's not simple law. This is really lengthy, detailed law that you have to really understand how it functions. So, I think that of the seven subjects if you're like, "Oh well, I'll be able to cram Evidence and Civil Procedure".

Alison Monahan: That's a bad idea. Those are not fun.



- Lee Burgess: Right. And Property. These are really dense classes. I think that you want to look at your LLM experience and decide, is there an opportunity to take more of those doctrinal classes than are typically taken? You should talk to your school about that. Or, can you even audit some of them? Just go to the classes and not necessarily take the exam but at least get some exposure to this material. Because if you are sitting down with a piece of paper to try and teach yourself some of these big subjects without any context, that's going to be really challenging.
- Alison Monahan: Yeah. For those people who are not aware, typically if you're going to take the bar, you're going to sign up for some type of bar review course. And sometimes they sell LLM versions; they just tend to be spread out more. But you also want to think about which exam are you going to take. Are you going to be able to have time to be successful if you try to study just in the two months after your course ends? Maybe not. But again, people get into situations with their visa only allowing them to stay for a certain amount of time and things like this. So, point being, just plan ahead on all this and be aware that you may need more time to study if you really, really, really need to pass the bar. It might not make sense to take it immediately after.
- Lee Burgess: No, but maybe if you think that you're going to take the July bar after you finish your one year LLM, maybe in January you need to be starting to do bar prep for that July exam.
- Alison Monahan: Exactly. Typically, you can get access early to your course, that kind of thing. Probably cuts down on your fun time, but just depends on how serious you are about needing to pass the bar.
- Lee Burgess: Right. If you've got to get it done in July, it's going to take longer than typically two months.
- Alison Monahan: Yeah, absolutely. So I think, again, talk to your school, get some advice. If they have a bar review or a bar prep office, go talk to them, ask them about who's been successful from the LLM program, what did they do? Because I think the reality is, even though these are very, very smart people who are very accomplished, a lot of them did not end up passing the bar.
- Lee Burgess: That's true. And, if English is not your first language, you might want to make sure that you're taking writing classes or drafting classes that are focusing more on writing skills and not just multiple choice classes and things like that, and seminars, because you do want to start to hone your style of writing in English and writing legal prose in English. And like we mentioned, if you've got a writing center or somewhere else at your school that you can get additional help, you want to be investing in that as well. I think that a lot of people for whom English is their first language struggle with getting legal writing under their belt.



Alison Monahan: Definitely.

Lee Burgess: So, you want to make sure that you are taking that seriously and hopefully getting some feedback on your work, whether it be from an office at your school or a private tutor, like what we offer in law school and for bar prep, from your professors, from TAs. But somebody needs to be telling you whether or not you're doing it right.

Alison Monahan: Right. Because the assumptions that you might make about what people are looking for can be very different in the US than they were before. It's not any kind of knock on your intelligence to say that you're not writing this the way that people would be looking for on the bar exam. It's just that's the way they're looking for it.

Lee Burgess: Right. And if you know that certain things are going to be a struggle for you – so let's say that the writing portion is likely going to be a struggle for you – then you really need to invest in making sure that your multiple choice score is as high as it could possibly be, because they pull this stuff altogether. If you're like, "I've got to work on the writing but I just don't think I'm ever going to knock that out of the park", then you want to be strategic and set up a plan for yourself to say, "Okay, I think I can really make this progress on the multiple choice, so let's do a deep dive in that, and if I can get a 156 or 160, then that will give me a bit of a cushion with the writing". People do this, but you just have to be strategic about it. Before New York switched to the UBE, it was notoriously friendly to foreign trained attorneys, because it had more multiple choice. And a lot of people felt much more comfortable with that because you don't have the time pressure of having to write in English, which can be a real challenge. So again, you've got to be strategic and really think about your end goal and how you are going to piece this together.

Alison Monahan: Right. And so, that again is something you can start preparing for earlier. You can get a tool like [AdaptiBar](#), which is an online program we talk about a lot on the Bar Exam Toolbox, we have some podcasts about them on the Bar Exam Toolbox. You can get that program. They'll sell you early access for a relatively low rate. We also have an [MBE course](#) that we developed on the Bar Exam Toolbox that walks you through questions one by one, kind of explains the law. So, there are resources you can use. You can also get [Strategies & Tactics for the MBE](#), which are a popular book series by Professor Steven Emanuel. You can order that on Amazon. So, there are things you can be doing to prepare for this portion of the test early that I think will really pay off in the end.

Lee Burgess: Yeah. I also think you want to make sure you understand what is heavily tested.

Alison Monahan: Which of the areas you've literally never even heard of.



Lee Burgess: Right, yeah. Absolutely. Again, if you're not sure which bar exam you're going to take or when you're going to take it, I think it's just worth it to start meeting with people at your school and figure out a plan. Because you want to know what subjects are tested on that test, what are the requirements. And then also, call those bar exams and see what additional documentation you might need. I knew an American student who'd ended up becoming, I guess, a lawyer or barrister in England, and then she tried to come back to get her California law license, and boy, did they have a time with her. But she was really struggling because they were asking for all this very specific documentation from Britain. And this was a long time ago, before I even went to law school, so it was like, "Okay." She, I think, eventually had to go to London herself to be able to get some of these copies, because you've got to pay for the copies. Things can be laborious when it comes to documentation.

Alison Monahan: Right. And you want to understand different states have very different rules around who's allowed to sit for the exam. So, do not just assume that you're going to be able to sit in the jurisdiction you planned to sit in. New York is pretty flexible, California is pretty flexible, but certain other states are not. So, you just want to confirm well, well in advance and make sure you've submitted everything you need to do to confirm that you're going to be allowed to sit before you start really planning for this.

Lee Burgess: Yeah. Especially if you're investing a lot of money and you're taking time away from your job in your home country or you're relocating your family. If you're taking all of these steps, make sure that whatever goal you're trying to reach, this experience is going to get you there.

Alison Monahan: Yeah. And I think the moving the family brings up another topic that I think people definitely want to think about, which is trying to set up your life early. We have an entire [podcast](#) on this for incoming 1Ls, but I think the same principles apply, even more so probably, if you're an LLM. Where are you going to live?

Lee Burgess: How expensive is it?

Alison Monahan: How expensive is it? Are you going to need some type of transportation? Do you need a car? All of these things.

Lee Burgess: Are your kids going to go to school?

Alison Monahan: Right. Are you bringing your kids with you or not? Are they going to go to school, where are they going to go, how are they going to get there, who's going to pay attention to them when you're in class? All these things. Visa stuff. A lot this stuff is very, very complicated at this point. So, you don't want to be the one who's waiting to see if your visa's going to be approved.



- Lee Burgess: Yeah. So stressful.
- Alison Monahan: Yeah, it's super stressful.
- Lee Burgess: Immigration reform. It's just unbelievable.
- Alison Monahan: Yeah. I think when you're looking at visas, typically there's a limited amount of time you're allowed to stay in the country. So, if you're planning on looking for a job or taking the bar, you just want to make sure all this stuff is kind of set out for you. And then of course if you have a house where you are, what are you going to do with that house? All of these kinds of things. The more you can set that up in advance so that you're not worrying about it when classes start, you can really just focus on the experience, I think the happier you're typically going to be.
- Lee Burgess: Yeah. I think the last scenario too that folks can think about is, foreign trained attorneys sometimes will even go back to their country and then study for the bar from abroad and then come back to sit for the test, which I think does have its own challenges. If you have a living and breathing practice in your home country, working and studying for everyone's complicated. I think it's even more complicated for those who are foreign trained attorneys. So again, just be very thoughtful about your plans and be realistic about what it takes to be successful.
- Alison Monahan: And sometimes people go back and their firms want them to start working, and they're going to study for the bar and they're working crazy hours again. So you want to try to negotiate, "Okay, these are the two months I'm going to have to study", and if that's what you get, that's what you get. But plan around that. The other thing too is, I think, understanding how the performance test works can be a real issue for a lot of people. Again, you may be totally fluent speaking in English, but maybe your reading is a little bit slower than it would be, or your writing is a little bit slower. We do sometimes see people who basically do not pass the bar because of the performance test.
- Lee Burgess: Yeah, that's so true.
- Alison Monahan: Which is unfortunate.
- Lee Burgess: Well, any final thoughts before we have to wrap up?
- Alison Monahan: I guess I would say if you're starting an LLM program in the fall, good luck. Enjoy! But think about what you want to get out of it, and do what you can to make that end goal a reality.



Lee Burgess:

Yeah. Alright, with that, we are out of time. If you enjoyed this episode of the Law School Toolbox podcast, please take a second to leave a review and rating on your favorite listening app. We'd really appreciate it. And be sure to subscribe so you don't miss anything. If you have more questions about the bar exam, you can also check out our BarExamToolbox.com [blog](#) and [podcast](#). We have a lot of helpful information there that foreign trained attorneys can also access. If you have any questions or comments, please don't hesitate to reach out to myself or Alison at lee@lawschooltoolbox.com or alison@lawschooltoolbox.com. Or you can always contact us via our website [contact form](#) at LawSchoolToolbox.com. Thanks for listening, and we'll talk soon!

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