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"Brother, Can You Spare a Dime?": The Crisis in AmericanLegal Education—a Challenge for the Whole Profession

Randall T. Shepard

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Ohio Northern University
Law Review

Kormendy Lecture

"Brother, Can You Spare a Dime?": The Crisis in American Legal Education—a Challenge for the Whole Profession

CHIEF JUSTICE RANDALL T. SHEPARD*

As this year's Kormendy lecturer, I have come to talk about the state of affairs for us lawyers, and in particular, the state of affairs for how we come to be lawyers. There are happier topics, particularly for present students, but this is one on which our profession must earnestly look inward.

The broad outlines of the current distress in legal education are visible, even in the public press: rising tuition, growing student debt, poor job prospects, and falling enrollment. It is a perfect storm, if you will, in a profession that is not accustomed to such storms.

To begin to understand it, one really must consider the multiple elements of the profession facing genuine crises. I will describe how this present set of challenges reflects on various parts of the profession, before I say why I think they are happening and where it is we might want to look for answers. I will start, because they deserve it, by describing what confronts new graduates from law schools.

The outline of this dilemma for our new graduates has been a long time coming. We have been producing more J.D. graduates than there are jobs

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* Chief Justice of Indiana, 1987-2012. A.B., *cum laude*, 1969, Princeton University; J.D., 1972, Yale Law School; LL.M., 1995, University of Virginia School of Law. On a couple of other occasions I have had the chance to attend a Kormendy Lecture, and I felt then as I do now; how fortunate we are that Helen Kormendy gave this gift in honor of her husband's five decades of leadership in the profession here in Ohio. On at least one of those occasions, I sat next to my friend Chief Justice Tom Moyer, whom I still miss very deeply.

The author served as chair of the American Bar Association Task Force on the Future of Legal Education, which issued a final report subsequent to the Kormendy Lecture. The report may be found at http://www.americanbar.org/content/dam/aba/administrative/professional_responsibility/report_and_recommendations_of_aba_task_force.authcheckdam.pdf.

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for J.D. graduates for a long time. We have been producing about fifty thousand new law school graduates each year for the last decade-and-a-half, but in the typical year there have been only twenty-eight or thirty thousand permanent jobs requiring a J.D. degree and admission to the bar. The best year, lamentably, is now a bit behind us. If one compares the number of graduates and the number of jobs that the Bureau of Labor's statistics have been able to identify, our best year was 2004.[1]

Why did we not notice that differential for so long? Even well into the Great Recession this was not a matter of public conversation, but it became the topic of seemingly daily stories for two reasons. One of those was a series of public scandals. The institution most prominently associated with this was the University of Illinois School of Law, which was cooking the books with respect to the information it provided to the public and prospective applicants about the caliber of students it was admitting and its level of selectivity.[2] The other factor was the reality of modern day internet transparency. There is simply no such thing anymore as a quiet scandal in any line of work—including ours.

The Illinois admissions debacle and other similar revelations led to scrutiny on topics, like law graduate employment. These events have prompted some respectable reforms. For example, the Association for Legal Career Professionals (NALP) and the American Bar Association collaborated on a new reporting system to keep track of law school graduates and their employment. This more reliable system, of course, has revealed an unattractive hiring picture for 2012 graduates, the last class for which full information was available. At the end of nine months, only fifty-six percent of the graduates had found permanent, long-term J.D. employment.[3]

The students are not alone. This job situation experienced by students is the product of changes in economics of law firms and public sector legal offices. I first noticed this in my capacity as an employer. In a typical year as an appellate judge, I received somewhere in the range of two or three score applications. In 2010, I received more than twice that number, and the applicant pool as a whole was noticeably strong.

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1. *See* William D. Henderson, *A Blueprint for Change*, 40 PEPP. L. REV. 461, 472-73 (2013) (utilizing data compiled by the U.S. Census Bureau from 1988-2010).

2. *See, e.g.,* Jodi S. Cohen, *U. of I. Law School Punished for Faking Admissions Data*, CHI. TRIB., July 25, 2012, at 11 (reporting the ABA censured and fined the University of Illinois College of Law $250,000 for six years of falsifying LSAT, GPA, and other admissions data).

3. *See* AMERICAN BAR ASSOCIATION, SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR, 2012 LAW GRADUATE EMPLOYMENT DATA 1 (2013), *available at* www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/reports/law_grad_employment_data.pdf. This represents a small long-term employment increase of 1.3% from 2011. *Id.*

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It took me a while to realize that this increase was the result of economic distress in law firms. Students who thought they had fixed their immediate future, people who had worked at a firm after the first year and then gone to the same firm the second year, had come to the end of the second summer only to be told the following: "We like your work, and we like you. We offer you a job, but you can't come to work for us yet." This was a terrible and rude awakening for very able students who had made commitments over a long period of time. It signaled the financial distress that law firms experienced in the period between 2009 and 2011.

This distress related in part to changes in what was the traditional pyramid model of law firms: a relatively small number of permanent equity partners at the top, including the best of the rainmakers, supported by a broader base of younger lawyers aspiring to the same end, while working for highly respectable wages. If there was ever any doubt that this model was in trouble, the bankruptcy of Dewey LeBoeff in 2012 made it clear that things had changed. When I was a student, Dewey, Ballantine, Bushby, Palmer & Wood was about as ritzy, respectable, and reliable a place as you could hope to land a job. And the LeBoeuf people represented, if anything, a slightly more rarified version of the same genre. The notion that the combined powerhouse those two firms created would collapse was nearly unfathomable.

This brings me to a third element of the profession, namely the state of the schools. The publicity about jobs eventually affected the number of applicants. It is a stunning change in a relatively short period of time. Twice within the last decade or so there were 100,000 applicants in the country.[4] The number of applicants held up well during the early years of the recession, but now it seems likely that this year 55,000 is the maximum. This is close to the number of seats in first-year classes that existed until just recently, when many schools, unable to fill their customary first-year classes, reduced the announced number of open seats.

This collapse in applicants has created some terrible dilemmas for the nation's law schools. I am not on an internal faculty listserve in any law school, but occasionally people pirate me messages that have bounced around inside law faculties, including parts of conversations typically held private because they are painful or sensitive. Someone recently sent me one in which a faculty member had written to others saying, "I understand we are about to reduce our class LSAT profile by 3 points, but we must not do that because it will be a calamity for the school's standing and for its

4. The final, end-of-year number of applicants for 2003 and 2004 were 99,500 and 100,600, respectively. No other year in the past decade has produced as many applicants. *See* THE LAW SCHOOL ADMISSIONS COUNCIL, LSAC VOLUME SUMMARY, available at http://www.lsac.org/lsacresources/data/lsac-volume-summary.asp.

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future." Someone else wrote back, "We can probably sustain our present LSAT score in the new class we are now assembling, but the cost of doing so will be a class so much smaller that it will cause budget cuts most of us will not be prepared to accept."

Falling applications affect the schools in ways that are both immediate and longer term. First, as for short-term economic viability, there are relatively few schools that have a substantial endowment. Most schools are tuition-dependent, and any institution that experiences a 25-30% reduction in revenue, which is what student tuition is when considered as part of the business model, would have to take some actions it would regard as very draconian and harmful.

Second, there may be longer-term implications for the future of legal scholarship. The number of new positions open for people who would be good law teachers, good researchers, and good writers is as low as anyone can remember. A halt in hiring new, young faculty risks altering the future of these important institutions in adverse ways for years to come.

Finally, lest one think these years have been easy on courts, I should note that the Great Recession has made a difference in the justice system. To mention one stark example, the Chief Justice of Florida was obliged to ask the legislature for a loan to keep the doors open.[5] I had never imagined such a development. It made me grateful that Indiana did not finance its courts the way Florida did at the time.[6] The courts in places like Iowa and Minnesota have also done what they had to do: close the courts on some days and, in some cases, close the clerks offices permanently. Other states require people to file their cases electronically, which of course is more common all the time, but there are a number of citizens who cannot do that.

All of this has been very difficult for our profession to accept because our long-run experience as lawyers, judges, and law teachers has been one of robust expansion and improvement. We are a country where lawyers really make a difference, where the number of lawyers has grown continually, and the number of law jobs has grown continually (now with up to well over a million people holding law licenses). We are a society which has been willing to pay for a higher number of lawyers per capita than virtually anywhere else in the world.

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5. *See* THE SUPREME COURT OF FLORIDA, ANNUAL REPORT, JULY 1, 2011-JUNE 30, 2012, MESSAGE FROM THE CHIEF JUSTICE ("[C]ash-flow problems forced us to arrange a series of midyear budget 'loans' with approval of the governor and Legislature just to make payroll and keep our doors open.").

6. Previous to legislation enacted in anticipation of fiscal year 2012-2013, filing fees had formed the principal basis for financing the Florida judiciary. Florida's courts are now funded through general state revenues. *Id.*

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As far as the schools are concerned, it has likewise been a very happy period. One could start or maintain a law school just about anywhere and succeed in doing it. And the number of law schools has continued to grow over the last twenty years. I first experienced this in a very unusual way. I was attending an American Bar Association annual meeting, standing at a first rate location: the rooftop of a San Francisco hotel looking overlooking the Bay Bridge. In the course of this chablis-and-brie sort of event, I encountered a gentleman who said, "I've just become the dean of a new law school." The name of this new school was familiar, but not recalling its location, I asked where it was. I did not recognize the name of the town, so I said, "What large city is it near?" He hesitated for a moment and replied, "It isn't really near any large city." I then played my trump card: "What is the nearest airport with commercial service?" He mentioned an airport with several cities in its name, and so roughly speaking, I knew where it was. They were able to start a school in that relatively remote place, in that time, and run it successfully to this day. If there ever was an example of "if you build it, they will come," America's law schools were it.

We have been so successful at this for so long that we are loathe to imagine the change we are experiencing could be either real or permanent.

It is that reaction that caused me to choose the title for today's speech. You may remember it as perhaps the most famous piece of music that caught the dispirit of the Great Depression: "Once I built a tower up to the sun, brick, and rivet, and lime. Once I built a tower, now it's done. Brother, can you spare a dime?"[7] So if that is the depth of our problem, let us spend a few moments on the underlying causes.

THOUGHTS ABOUT CAUSES

To be sure, the Great Recession is part of the explanation. It is longer, but not deeper, than any we have ever experienced. There have been repeated reports indicating that we are generating fewer jobs, with one as recently as last Friday indicating that the country is really not in anything that could be called a serious recovery. All of that is pretty common knowledge, so let us put it to one side.

What are the factors that affect us as lawyers, as law teachers, as law firms? I will mention three.

First, on the question of rising cost, the nation's law schools have generated, for a prolonged period, what is usually called academic inflation. To be sure, law schools are not alone in experiencing rising cost, rising tuition, and rising debt. In higher education generally, and certainly in our

7. RUDY VALLEE, *Brother, Can You Spare a Dime?*, *on* NEW AMERICANA (Columbia Records 1932).

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corner of it, the nominal cost of tuition has risen at about twice the rate of inflation for decades! We have managed to survive this by hard work, ingenuity, and the good fortune of long-term rising demand.

The reality of higher tuition and a challenging job market is now regularly conveyed to potential students and their families. A typical such message appeared recently in the middle of *Money* magazine under the headline: "Will Your Kid's B.A. Pay Off?"[8]

The legal world's version of that was a piece in the *Washington Lawyer* asking, "Is Law School Worth It?"[9] These articles reflect the sort of calculations potential applicants and their families make. Now, I think the answer in terms of education generally is plainly "yes." With respect to the value of going to college, the only thing more expensive than going to college is not going to college. This has long been true, and it will continue to be true. Even if one focused only on the economic cost-benefits of an undergraduate degree, the answer would be "yes."

But higher education also presents the platform for leading a professional life. Just as a high school diploma creates opportunity for more than manual labor, the college degree confers the capacity to appreciate and experience the finer elements of life.

This benefit of higher education was evident the very first time I ever came to Ohio Northern. Our family came to see my mother-in-law, Martha MacDonell, receive an honorary degree from this university for what she had done to elevate and expand the arts in the state of Ohio and elsewhere. Part of what we gain from our college education is a greater appreciation of things like music, theater, dance, and fine arts.

The benefits calculation about law school rests on a slightly different basis because a law degree has a more focused objective. It is a little easier to calculate what the marginal economic benefit might be of making this investment of time and money.

Second, there is an effect of being located inside universities for American law schools. By the way, this has not always been the model. As recently as 1922, there was not a single state in the county that required graduation from a law school in order to become a lawyer. Indeed, when the Association of American Law Schools was founded, its membership requirements embodied a two-year legal education, rather than the three-year model that ultimately became the standard for our profession. The ramping up and the improvement of those models through time has not been without cost.

8. Beth Braverman, *Will Your Kid's B.A. Pay Off?*, MONEY, Jan./Feb. 2013, at 43.

9. Rick Schmitt, *Price and Perils of JD: Is Law School Worth It?*, WASH. LAWYER, Mar. 2013, at 22.

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A good many features we accept now as part of standard law school education have added to the cost. These upgrades occur partly because of regulation, but partly because of internal culture. The end result of that series of improvements has been fewer paths for how to become lawyers, as many law schools of differing design finally fell along the wayside. This foreclosed a good number of paths to becoming a lawyer that students of two or three generations ago would have had.

Third, the profession is experiencing a shift in how our fellow citizens gain access to what we do. The historic role most of us have in our minds' eye has been the lawyer as artisan. The client comes, tells the story, and receives counsel or assistance. The lawyer as artisan makes a proposition: "Let me individually discuss with you the legal problem you encounter, and I will try to devise a solution for you." There is still plenty of that to go around. We might call it "bespoke legal work." Litigation is still one of the relatively pure forms of this in which one lawyer or a team attends to one client's particularized needs.

The present moment features a rise in a different sort of citizen access to legal help, which one might think of not as a legal service, but as legal products. One familiar example is outsourcing: the American law firm does bespoke work, but farms out certain tasks to India. This is still a feature in American legal practice, though I think there is happily a little more re-shoring than was the case even five years ago.

More transformative, but still attached to the bespoke model, is the development of computer programs that comb through a client's electronically stored information as part of the litigation process. This work used to be bread and butter for young lawyers. When I was a kid lawyer at Shearman & Sterling in New York, they directed me to a stack of boxes and paid me way too much money to go through them and figure out what it was our client had sent us. This is not a complete transformation, but it chips around the edges in what it is we are able to get people to pay us to do.

We cannot expect this will be mere chipping for long. Recent SEC filings by Legal Zoom say that twenty percent of all limited liability company filings in the State of California in 2012 were done not by lawyers, but by use of Legal Zoom.[10]

The notion that the country may less often call upon lawyers leads to a popular question: Does society need as many of us lawyers as it used to? Every analysis that I have seen says the answer is "yes." There are millions of Americans confronting relatively difficult legal problems who cannot afford a lawyer. They are citizens above the poverty level and just below the upper-middle class: people ineligible for public assistance who cannot

10. *See* Henderson, *supra* note 1, at 489.

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quite afford to pay us the rates we need to meet overhead and debt reduction. We see examples of these potential clients all the time, and they will continue to multiply because law is everywhere in modern life.

Even lawyers forget that law is everywhere. I learned this in a very dramatic way. My wife and I decided to install a sprinkling system for our front lawn, and we called out a firm to do an estimate. In due course, the young woman who owned the business arrived with one of those rolling measuring devices so she could calculate how much pipe she would need and how many nozzles and so on. In the course of this, as the guy who mowed the lawn, I said to her: "Is all this going to lie flat with the ground or is some of it going to stick up so that I am likely to hit it with the lawnmower?" She replied, "Not to worry. Everything lies flush except for the backflow stop regulator." And I said, "What is a backflow stop regulator?" Her response: "It's something the government makes us do."

It had never occurred to me the government was interested in how I water the front lawn. When I arrived at the office the next day I did what every self-respecting appellate judge would do: I turned to one of my clerks and said: "Please find out what a backflow stop regulator is and what part of our government makes me have one." In short order, she returned with a complete and compelling explanation of it all. I now have a backflow stop regulator, and I am very much in favor of them. The point being, even we lawyers forget how virtually omnipresent law actually is in modern life.

Law intervenes in life in ways that are both more obvious and weightier than the one I just described. Consider the problem of mortgage foreclosure and the hundreds of thousands of people who stood at risk of losing their houses (most of whom had not paid their loans and, to be sure, could not). These people were obliged to turn over the house in which they had been living, but not all were beyond rescue. The stark reality, however, was that thousands upon thousands of such people could not afford legal assistance to work their way through their housing dilemmas and towards a ready solution.

The Ohio Supreme Court, the Ohio Bankers Association, and bar associations, organized pro bono services for people who needed help but could not otherwise obtain it. This was one of the multiple fields in which Chief Justice Moyer was ahead of Shepard, by at least twenty-four months. I eventually copied what Tom Moyer had done and put it to work in Indiana.

Quite aside from these particular examples, what is it that lawyers actually do? I say we add public value through these acts of representation. America's lawyers help sustain a society in which the resolution of conflicts occurs with a minimum of coercion and a maximum of reason. For the nation's lawyers to play that role effectively, we need a system of

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preparation and education that confers on law students knowledge and skills more valuable than the price charged for acquiring them. That is our real conundrum.

WHERE TO LOOK FOR ANSWERS

What are we capable of doing given this sequence of events? I will mention four fields for inquiry to which I think we as a profession need to pay special attention in going forward.

The first has to do with how we finance American legal education. As for one important element of our present model, it has become fairly widely accepted that government loan programs do two things, one very good and one not so good.

The very good thing they do is foster access to legal education for people whose own financial resources are inadequate. The other thing they do is make it relatively easier to raise the price of attending. If one disaggregates the large averages produced by students who borrow $100,000 or $150,000 to finance their legal education, some things come to light that are not actually surprising but nevertheless provide valuable information. For instance, a substantial proportion of students get their degrees owing nothing because they themselves, their families, or law school discounts largely finance their legal education. Another substantial group graduates owing relatively little (say, in the tens of thousands), amounts payable with a little care and a respectable job. The other half graduate owing enormous sums. This group’s dilemma is the real nub of the cost and financing issue.

Law school is not the only place in higher education where this phenomenon exists alongside government participation in loan programs. The most prominent example is for-profit training schools. In that sector, the government has become very tough about whether training schools will be allowed to participate in federal loan programs if they are unable to show that the people acquiring the debt have respectable chance for employment and repayment. As one might imagine, this has been regarded as very draconian by the people who run those companies, but it has been ruthlessly effective in weeding out the players who charge a lot of money and do not confer value that can be converted into career prospects. President Obama has said that the non-profit and public part of higher education should be subjected to this same idea.[11]

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11. *See* President Barack H. Obama, Address Before a Joint Session of Congress on the State of the Union (Feb. 12, 2013) (“I ask Congress to change the Higher Education Act so that affordability and value are included in determining which colleges receive certain types of federal aid.”).

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The conundrum here is the following: How might one do that and not cause a calamity for students from low-income families? It is not at all an easy task, though some people have started to put ideas on the table about how that might work. What we really must do is talk to each other about the reality of how the existing system works, where the lines of benefit and burden run, and whether they run in the right directions.

That leads me to the second topic, the internal culture of American law schools and the relationship between scholarship and teaching. The traditional description of how law faculty ought to be judged has run to three elements: teaching, scholarship, and service. I think the critics are on to something when they say there are too many institutions in which teaching and service are not at the center of the reward system. Indeed, perhaps even scholarship is not center stage, but rather publication.

This is a very old complaint about academia in general, but let us accept for the moment that it is very difficult to prove or disprove. What can be proven is that the teaching time American law schools have expected from law faculty has declined continually for three decades, with average hours of instruction by the average American law faculty member declining regardless of the ups and downs of employment or law school applications.[12] There are enormous variations from one school to another, running as far as forty percent, but on the whole, the amount of time dedicated to teaching students has been falling. Likewise, the kind of teaching of students has shifted. A recent survey of schools in the top quartile (I really try to not talk about *U.S. News*, but it is inevitable) indicated that twenty percent of the new faculty hires in those schools were people who did not have a law degree.[13] While I would say that engaging English professors has some merit, that is not really what that twenty percent figure is all about.

The emphasis on publication, scholarship, and research is really striking to an outsider. I was recently asked to serve on the search committee for the chief academic officer of a university. I was the only person who was not on the university's payroll. At perhaps the third meeting, as we began to sort out whom to bring in for interviews, it dawned on me that around sixty-five percent of the words spoken by the dozen members of the committee had to do with whether this candidate or that candidate could find more money for research. This impulse ran across the disciplines. The philosophy department seemed as interested in research grants as the engineering and medical people. I was really taken by the difference

12. *See* Brian Z. Tamanaha, FAILING LAW SCHOOLS 40-44, 65 (2012).
13. *See id*. at 53.

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between the internal discussion about the faculty’s aspirations and the objectives the university tended to portray to the outside world.

This is not to overlook the fact that law schools have adjusted significantly in the last two decades. The most obvious example is the dramatic increase in the opportunity for students to gain “experiential learning.” Clinics, client counseling and the like, are vastly more available to students than they once were, but in many schools that is true because there have become three law faculties under the same roof: clinical faculty, writing faculty, and doctrinal faculty. There is some overlap to be sure, but there are plenty of places where the student need for such learning has been met by adding instructors in ways that our friends in the medical profession would not.

On this larger point, I need to make a confession. When I visited Ohio Northern for a client counseling competition twenty-one years ago last month, the school asked me to speak at the dinner the night before. The law review published my remarks. Here is what I said about broadening the sort of instruction law students receive:

> Although adding opportunities for skills training in the law school landscape is generally for the better, these opportunities must not be allowed to become the centerpiece of legal education. We created law schools in universities, after all, because the old way of teaching people to be lawyers proved inadequate. Those who now urge upon us the model of the trade school miss the difference between building and architecture. Really good lawyers master both building and architecture. They master the tools of the trade, but they take the time to examine the larger design of the law. Not content to know what the rule is, they ask why the rule is as it is, and whether the rule still serves well for the operation of modern society. On this score we owe much to law faculties as generators of new ideas and critics of old ones. In addition to turning out thoughtful and capable new lawyers, law faculties provide[,] through their scholarship, much of the intellectual seed corn on which we grow crops of new law. They generate the new intellectual capital which thoughtful lawyers and interested judges spend in cases which have the capacity to move mountains.[14]

This school’s faculty has over time proven the validity of that observation. Lawyers all over this state and all over this country rely on what Dean Steven Veltri writes about commercial paper and payments and

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14. Randall T. Shepard, *Classrooms, Clinics and Client Counseling*, 18 OHIO N.U. L. REV. 751, 757 (1992).

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the how-to of making the economy work. Professor Howard Fenton has advised and built new regimes of administrative and international law all the way from Ada to Armenia. Thus, I hope one will understand that while I still agree with the impulse of what I said then, it is more valuable in this debate[15] to say successful law schools of tomorrow will need two things, among others.

One is what Professor William Hendrickson has recently called a "competency-based curriculum."[16] The idea is that one tries to understand what it is the lawyer needs to be: an advisor, a representer from the outside. Whether it be called doctrinal or skills or something else, the law school must have a firm idea of what that is and succeed in presenting it.

The other need for a school's success is a pipeline to the market. Our friends in undergraduate education are better at that, I think, than we are.

A third area for inquiry is whether the prevailing law school model is too tight, a typical criticism of American legal education. On this point, I say that most critics overstate the matter. The existing regulatory regimes are not meat grinders that force every law school to look like every other law school. To be sure, in large terms schools look very much alike. They have classrooms and people who teach courses and publish journals. But they are very different places.

Still, there are a few things that all accredited schools have in common. They all require the equivalent of six semesters of education. The regulatory regimes require that substantially all of the first two semesters be taught by full-time faculty. They also require that faculty fit the definition of tenure under the American Association of University Professors' 1940 design. The central question is what parts of that and other regulatory requirements—and practices that exist under academic culture—are necessary to produce lawyers who are capable of assisting people who have legal problems.

Point four: Who should be licensed to do what? This is another place where our friends the physicians have done some things we do not do. Our paradigm is to attend an approved school, spend three years at it, pass the bar, and receive a license to do everything.

There are exceptions to that paradigm that are illuminating. Two large states, Massachusetts and California, will issue a general license to applicants who did not go to an accredited school as long as they can pass the bar exam. And New York will allow applicants to try to pass the bar exam if they obtained their legal education in schools overseas about which

15. This debate features one of those terrible fighting words: "trade schools." As in, "This is a trade school; we are a university law school."

16. *See* Henderson, *supra* note 1, at 495-503.

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the bar authorities know relatively little. Recent developments in Washington state are also illuminating. The Washington Supreme Court has, after years of debate, decided to expand its legal licensing regime to include what are called "limited license legal technicians:" people authorized to perform certain aspects of law practice even though they do not have the standard general law license.[17] These are people who are trained and tested, for example, in areas such as family law. They have completed a certified regime, taken tests, and participated in continuing legal education on family law. And they do what lawyers normally do in family law, just as physicians' assistants, certified nursing assistants, and LPNs do for doctors.

CONCLUSION

In the end, the task for our profession is to examine what it is we do for our fellow citizens and how we qualify ourselves to do it. On the first point we have every reason for pride and optimism. We lawyers are literally the people who hold the hands of widows and orphans when something important to them is at stake. We advise clients all the way from misdemeanor defendants to captains of industry who rely on us to guide them through the labyrinths of the twenty-first century regulatory state.

Our role in advising and representing and mediating the problems our fellow citizens encounter is central to a free and successful society. Our contribution toward maintaining and renewing a credible legal system, one that aspires to resolve disputes in a way that is prompt and reliable and impartial, is crucial in building a society which is safe and prosperous and decent. I say that we lawyers have the capacity to examine and improve how we do that. I also say that in those discussions this law school will make an outsized contribution.

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17. *See* In the Matter of the Adoption of New APR 28—Limited Practice Rule for Limited License Legal Technicians, Order No. 25700-A-1005, 2012 WA REG TEXT 298141 (NS), *available at* http://www.courts.wa.gov/content/publicUpload/Press%20Releases/25700-A-1005.pdf ("Today we adopt that portion of the Practice of Law Board's proposal which authorizes limited license legal technicians who meet the education, application and other requirements of the rule be authorized to provide limited legal and law related services to members of the public as authorized by this rule."). The new rule is without precedent and has been the topic of heated debate on legal services access within the state and across the country. *See* Brooks Holland, *The Washington State Limited License Legal Technician Practice Rule: A National First in Access to Justice*, 82 MISS. L.J. 75, 91-116 (2013) (reviewing the contentious history of the new rule dating back to 2006 when it was first proposed).