

The proposed change to Standard 403 should be rejected. It would lead inexorably to the end of legal education as we have known it, produce less qualified lawyers for the future, and result in even greater stratification of legal education and the legal profession than now exists.

Of course many law schools are now struggling to survive in the face of fixed costs and enrollments that declined after the 2008 recession. And tuition is high, resulting in large law student debt. The proposed standard would allow schools to lower costs and tuition by losing full-time faculty members by attrition (or by firing them), maintaining only a skeleton full-time faculty teaching first year courses, and turning the rest of the curriculum over to low-paid adjuncts (and, under the recent revisions to the distance learning rules, in substantial part to lectures on TV screens, computers, or mobile phones). As members of the Council certainly know, replacing faculty members with adjuncts has been the trend at the undergraduate level, where [more than half of the teachers](#) are part-time instructors.

Of course some adjuncts are outstanding teachers, but this plan would permit most of legal education to be taught by individuals who have no expertise in educational methodology and may not even learn how to teach through long-term experience on the job, as they will have no permanent (tenure-track) affiliation with the school. We can predict that in some cases, classes will consist of informative war stories, and others will provide students with competent instruction in current doctrine. But how many adjuncts, busy with their own practices, will create simulations or read and advise on multiple drafts of seminar papers? How many will explore the deeper levels of legal analysis, such as how law developed in response to history, economic development and technological change; the relationships between law and social and political values; and the strains in current scholarly thought? Perhaps the Council thinks that doctrine alone, or in conjunction with some clinical education, will be sufficient to train lawyers of the future to serve clients competently and to lead the public affairs of their localities, states, and nations. If so, I disagree.

If this proposed standard is adopted, the nation's most prominent law schools will likely continue to have most courses taught by full-time faculty, but many others will replace faculty with practitioners who teach one or two courses for meager compensation. This will further boost the prestige of already-prestigious institutions, increasing the numbers of their student applications, and reduce the cachet or reputations of what will become "cut-rate" schools. Students from those schools will then find it harder to get jobs, and applications will fall, causing those schools to face the same dire economic facts that might lead some of them to welcome this proposed change as a short-term fix.

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