

ABA Public Hearing on Access to Legal Services

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Thank you for the opportunity to testify, which I gladly do as president of the Association of American Law Schools and dean of The George Washington University Law School. Having taken note of the limited time of eight minutes to complete my talk, I promise to work diligently to adhere to that restriction. As my grandfather, who was a minister for over 68 years, once said, "[t]he best speeches, particularly before mealtime, are the briefest ones."

Addressing you today is a privilege, not only to address the pressing need for access to legal services, but also to reinforce the seminal message of the societal need for lawyers. As president of the AALS, I am called upon to comment on the state of the legal academy and the challenges facing law schools. I have assumed this role willingly, because I understand, both personally and professionally, the salience of lawyers in society.

Many of us know that the public has a jaundiced view of attorneys and our profession in general. Popular culture has made lawyer bashing a humorous enterprise that has become universally accepted. That humor, which masks a popularly held belief, cannot be taken lightly during this time of challenge in our industry.

History, however, demonstrates that lawyers have been the linchpins of functional democracies. Without them, rights, both public and private, become endangered and societies less humane. Indeed, lawyers have contributed, and continue to contribute, to the betterment of society through both proprietary and voluntary means. Indeed, I would not sit before you today if it were not for the altruism of Alfred Smith, the only African American sole practitioner in Hampton, VA during the '50s and '60s. Lawyer Smith mentored my Boy Scout troop during a time in which he struggled to earn a living as a lawyer. His professional and voluntary efforts remain largely unknown except to those who have benefited from them. Lawyer Smith's narrative, however, resembles many others that have been untold, but highlights the unheralded work that attorneys have

provided. These unheralded narratives document attorneys' charitable works that have changed their communities for the better.

I hold great hope that, through this process and other initiatives of the ABA, we will work jointly to educate the public about the importance and benefit of quality legal services. The result of this concerted effort will undoubtedly contribute to the goal of exalting our profession.

Access to legal services remains a seminal issue for the profession. With the perception that there are too many law schools graduating too many lawyers, the truth remains that many individuals, particularly those who are not truly destitute, financially stable but not wealthy, and those in less populated areas, do not have adequate legal assistance. I should mention that I had the privilege of attending the ABA's National Summit on Innovation in Legal Services, hosted by the Stanford Law School. That path-breaking event moved me and has reinforced my resolve to highlight this issue, both from my vantage point as president of the AALS and dean of The George Washington University Law School. As ABA president William Hubbard has espoused, the failure to address this situation imperils the efficacy and integrity of the legal profession. We in the academy appreciate this normative challenge and have historically worked within the confines of the program of legal education.

Like many, I was drawn to the legal academy to provide innovative solutions to complex societal problems. Expanding access to affordable legal services is indeed an area where American legal education can—and must—make an impact. Starting in the late '60s through today, clinical legal education has become *de rigueur* in law schools across the country. At thriving legal clinics throughout the nation, law students provide access to legal services to many underserved members of their local communities. Recent years have also witnessed an explosion in the number of externships and internships offered at many law schools, providing students with abundant opportunities to serve those in need.

At The George Washington University Law School, we strive to cultivate seeds of service in our law students from the moment they enter our doors as 1Ls. GW Law, for example, offers an extremely successful pre-orientation program for entering 1Ls that introduces them to a wide range of public interest and pro bono opportunities in the D.C. area. Many of the program's participants come away with a keen interest in providing pro bono legal assistance to the community. Last year, 150 graduating JD students at GW volunteered nearly 26,000 pro bono hours to legal assistance projects—and the numbers of pro bono participants and

volunteer hours have been steadily increasing each year. I would be remiss if I did not mention that many law schools have initiated similar programs that have provided legal services to the underserved across the country.

Despite the myriad challenges currently facing American legal education, including a sharp decline in applications, with an alarming decrease in the number of high-scoring applicants; the substantial cost of pursuing a law degree, and the weakened job market for lawyers, law schools all over the country remain steadfastly committed to providing legal services to the underserved through traditional clinical education. At the same time, law schools are innovating to reflect the needs of 21st century law students and the increasingly global market.

Innovations in legal education, which span the nation, are numerous and wide-ranging. Many instill a sense of volunteerism in law students, leading to increased access to legal services. The University of Texas School of Law, for example, offers legal assistance to small businesses and startups in Austin through its Entrepreneurship and Community Development Clinic. Each semester, students work in teams under attorney supervision to assist clients who would otherwise be unable to afford legal assistance to get their small businesses (i.e. food trucks) up and running. The University of Akron School of Law recently launched an innovative Re-entry Clinic where law students help clients with the challenges of reentering society from the criminal justice system. At Wayne State University Law School's Legal Advocacy for People with Cancer Clinic, law students assist low-income cancer patients in Detroit. In a unique three-way partnership, the Pro Bono Collaborative links Roger Williams University School of Law students with law firms and community leaders to identify and address the unmet needs of Rhode Island's poorest residents. And Whittier Law School has partnered with the Legal Aid Society of Orange County to create a unique incubator program that links recent law school graduates with clients in need of affordable legal services.

It is important to note that the legal profession is experiencing profound change in light of the changing marketplace. Conflation of law firms, modification of fees, and the restructuring of price structures for legal services have prompted unprecedented transformation in the industry, compelling law schools to augment the educational model based on Langdellian principles. Experiential learning has become a dominant feature of this transformation. Boston University School of Law, for example, recently launched a mandatory Lawyering Lab to introduce first-

year students to “real world” lawyering skills. With the mentorship of leading attorneys in the Bay Area, students at the University of California Hastings College of Law are helping aspiring women and minority entrepreneurs start businesses in the male-dominated Silicon Valley. And through the GW Cancer Pro Bono Project, law students and a licensed lawyer work with cancer patients, helping them with advanced directives, employment issues, health insurance, wills, and Social Security benefits.

Numerous challenges remain for law schools in addressing the needs of students, the profession, and the public in desperate need of greater access to legal services. Experiential education, when done prudently and effectively, is expensive and law schools are currently compelled to contain costs. Law schools must strive to integrate professionalism throughout the curriculum, which requires a close look at and retooling of the current educational program. Many law schools, such as the University of Montana, Temple University, Wake Forest, and The George Washington Law School, offer innovative first-year programs that introduce students to the intricacies of the law as a business and the professional skills necessary to be successful. Retooling the curriculum is, of course, a delicate undertaking. We must maintain an emphasis on critical thinking and problem solving skills while instilling a deeper sense of duty to the underserved.

The gravamen of the burden to provide greater access to affordable legal services should not, and cannot, be borne by law schools alone. Practitioners, too, must step up to provide more to those who cannot afford legal representation. In this regard, law schools remain well-poised and willing to work with the profession and practitioners to ensure greater access to those in need.

Thank you for affording this opportunity to share my thoughts on this important subject. I look forward to your questions and continued dialogue.