

Recession Places Law School Reform in the Eye of the Storm

By Hannah Hayes

At a recent conference on legal education, Thomas Guernsey, president and dean of Albany Law School in New York, wielded a colorful chart. Ten bubbles of varying colors loomed ominously around a large blue square labeled “Legal Education.” In those bubbles, issues affecting law schools—such as “employer expectations,” “job market/economy,” and “debt load”—all pointed to the center square. What we are experiencing now, Guernsey explained, is “the perfect storm” that will ultimately lead to drastic changes in legal education.

“Law schools are all feeling under pressure to change,” agrees Roy Stuckey, another conference speaker and author of *Best Practices for Legal Education* (Clinical Legal Education Association 2007). “There has been a lot of change going on in the last decade, but it’s been slow and spotty.”

Fueled by the economic downturn that led to salary cuts, forced layoffs,

and drove hiring freezes throughout the legal industry, the winds of change are continuing to build. Clients hit hard by the recession don’t want to pay for an inexperienced associate. As a result, many firms are hesitant to pay top dollar for graduates of elite schools, who, despite their GPAs, need mentoring and experience before their wages begin to pay off.

For law school graduates, this has meant delayed start dates and lower salaries, coupled with big loans and a sense that their high-priced education has left them unprepared for this new climate.

As described by Guernsey, law schools have found themselves in the eye of the storm. Many are now facing hard questions, such as, “Are law schools doing all they can to prepare students to fill the demands expected of them in the twenty-first century?” and “How can we best prepare our students to hit the ground running upon graduation?”

Calls for Reform

“We are in quite a unique era of law school reform,” says Bryant Garth, dean of Southwestern Law School in Los Angeles and coeditor of *The Journal of Legal Education*. Garth points out that *Journal* submissions focusing on curriculum changes have been on the rise, with the recession further fueling the calls for reform. As students face a tougher job market, the arguments to make law school curriculums more relevant to modern days needs are “more powerful,” Garth says.

Wide-ranging topics under discussion about curriculum changes include interdisciplinary studies, collaborative teaching and learning methods, partnerships between law schools and practitioners, and changes in assessments of students so they are less subject to exams, lectures, and GPAs. All of this adds up to vast transformations taking place in the first-year lecture halls that continue through the bar exam.

The American Bar Association recognized the need to study law school reform as early as 1992 by setting up a task force to address “the gap between expectation and reality” when it came to the transition between school and work. The task force produced the *MacCrate Report*, which identified core values and skills needed in the profession. These include proficiency in written and oral communications, the ability to apply legal principles to problems, working with clients, and preparing for negotiations, among others. Many law schools responded by incorporating more skills-based classes into their curriculums.

More recently, in 2007, the Carnegie Foundation released a report that criticized the stagnancy of law schools for remaining locked in the Socratic method. According to the report, law schools were teaching students “how to think like a lawyer” but not how to develop and demonstrate real-world legal skills. The report recommended more experiential and clinical approaches.

“I think what Carnegie did was really push law schools to think about a variety of pieces of legal education that

we had been changing,” says Lauren Robel, dean of Indiana University’s Maurer School of Law in Bloomington. “All schools have courses on legal ethics, clinics, and skill-simulation courses, but how do you integrate these pieces in a three-year curriculum?” Robel says. “What sense of progression should students have as they’re moving through the curriculum?”

Indiana was one of 10 law schools that participated in a working group organized by Stanford Law School and the Carnegie Foundation to follow up on the issues raised in the 2007 report. The resulting project is called the Legal Education Analysis and Reform Network (LEARN). The 10 schools involved in LEARN have been actively developing curriculum changes in their own schools. As a group, they identified three areas for further examination: maintaining momentum for curriculum reform, educating law teachers, and reviewing assessment tools.

“It’s mostly a process of talking and sharing so there are central places where we can all learn and not reinvent things over and over again,” says Garth, who also participated in LEARN. The organization hopes other schools will join their endeavors as the projects expand.

A Decade of Changing Winds

During the last decade, many schools began looking at their curriculums and incorporating changes as best practice methods for teaching law have unfolded. While some changes have focused on the first year, others have addressed making the third year more meaningful, loading it with capstone courses, clinics, and externships.

At Harvard Law School, first-year students are required to take courses in legislation, international law, and problem solving in addition to more traditional classes. Second- and third-year students have the opportunity to increase their focus in a chosen concentration.

Stanford, on the other hand, has kept its first year “pretty much the same,” according to Dean Larry Kramer, and has concentrated its changes

on the second- and third-year curriculums. Students are encouraged to take courses outside of law with a focus on experiential and clinical work and problem-solving skills.

Washington and Lee University School of Law in Lexington, Virginia, has gained a lot of attention since it began revamping its curriculum six years ago. “Several years ago, we were in the process of rewriting our mission statement, and we started looking at how to ensure a better transition into the work force, as well as what the progression from the first year on should be,” says Mary Natkin, assistant dean for clinical education and public service at Washington and Lee.

In addition to capstone courses, clinics, and simulations, students receive continuous feedback, with the focus on understanding everything from billing pressures to how legal aid is structured. “We teach through experience rather than lectures and examinations,” Natkin notes. “We try to take the pain out of that first year of practice.”

The University of New Mexico School of Law in Albuquerque has worked intensively with both the local and the state governments to partner students with public defenders, judges, prosecutors, and employers. It’s interesting to note that the new courthouse in Albuquerque includes a classroom section so students can follow cases from beginning to end rather than just study their outcomes.

Other schools focused on adding more value to their programs are the University of Dayton School of Law in Ohio and Northwestern University Law School in Chicago, which both offer two-year degrees. By starting in the summer at each school, students can take one extra course per semester and finish in two years.

“Our two-year program is very attractive to nontraditional students,” says Lori Shaw, assistant dean for student affairs at Dayton. “These students tend to be a few years older and have been in the workforce sometimes for 10 to 15 years. In this recession, people are asking themselves, how can I make myself more valuable for the future?”



BEST PRACTICES

The economic downturn has sent the legal education system hurtling toward reform, but the winds of change have been in the air for years. The following Web sites and blogs track best practices for legal education and foster discussion among academics and legal professionals:

-  **Empirical Legal Studies: Bringing Methods to Our Madness**
www.elsblog.org/the_empirical_legal_studi/
-  **Association of American Law Schools**
www.aals.org
-  **Best Practices for Legal Education**
<http://bestpracticeslegaled.albanylawblogs.org>
-  **Journal of Legal Education**
www.swlaw.edu/jle
-  **ABA Section of Legal Education & Admissions to the Bar**
www.abanet.org/legaled

With the help of an independent consultant, Northwestern conducted an intensive examination on how to make its program more relevant to the job market. “We developed a market-based plan for revamping education to find out what lawyers are asking for,” Dean David Van Zandt says. This included focus groups and an examination into the career paths of former students.

The school’s curriculum now centers around seven core competencies that should be developed during a student’s law school career. “We found that legal analysis and reasoning are necessary,” says Van Zandt, explaining that many lawyers’ skills are not sufficient in these areas. The other competencies are project management, communication skills, cross-cultural sensitivity, leadership, and strategic understanding.

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Stanford and BYU career professionals, like many others, meet with each student individually, including those in the first- and second-year classes. BYU instituted an online sign-up system to facilitate appointments, and BYU support staff members are contacting every student to set up appointments.

Some schools are participating in regional job fairs, but often students don't travel to these fairs.

Many placement offices are bolstering student connections with

alumni either informally or formally. Some provide formal mentor opportunities. Others, such as Emory, offer a list of alumni who are willing to be contacted to provide general career advice and networking information.

In addition to providing mentoring opportunities, Stanford launched a social networking site similar to Facebook called SLSCConnect to connect students with alumni. Participants can post profiles, chat with friends, upload pictures, search for colleagues, and share information

about legal issues, careers, and alumni events.

Lewis & Clark assigns a career advisor to contact all new graduates regularly until they find a permanent position. "We are really trying to get them in contact with people who may be beneficial and who might be able to offer the graduate contract work while he or she is looking for a job," Davis says. 

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"There are expectations that you can do certain things by the time you are a senior associate," says Van Zandt, who adds that the school's study suggested law firms don't mind investing in the training of new associates who have the necessary foundation for such skill development.

Basic Competencies

The focus on experiential learning and particular skills needed in the profession has caused many law schools to revamp their curricula to emphasize and develop basic competencies.

Indiana University administrators, who also conducted focus groups, came up with five competencies. "We changed our first-year curriculum fairly significantly to better integrate values and ethics in the first year of law school and place them in the context of which lawyers actually practice," Robel explains.

Last fall, new students at Indiana underwent a battery of psychological assessments to gain an understanding of what aspects of communication they will need to work on throughout their careers. Students are encouraged to apply the assessment results in terms of interpersonal relations when they deal with clients in their legal practices.

Another angle on basic competencies addresses race and gender differences. In a global marketplace,

bringing multicultural experiences to the job market adds value to employers, especially international firms.

Further, new graduates will be better served if they understand the realities of race and gender in the legal work force, according to Garth. "We should honestly confront the issue of gender and race. [Lawyers entering the profession] should ask: Why aren't there more women partners? What are the barriers? And how do people get around them?"

Assessment and Outcome Measures

With heightened focus on law schools' performance, focus is being drawn away from content-based assessments in the forms of exams and grades and is moving toward alternative ways to measure outcomes, such as assessing simulations and overall performance in clinical settings. Currently, the end-of-the-term exam has drawn criticism from educators and practitioners as outdated and unbalanced. Beyond the temptation to teach to the test, students often receive very little feedback.

Despite the undercurrent of change sweeping schools throughout the country, most modifications are being done in isolation from one another, and, according to Stuckey, are based on competition. He says while

schools are operating in "good faith," they are implementing reforms more in an attempt to distinguish themselves from one another.

"We may be the only field in the country that does not use outcome goals as a way to measure success with our students," says Stuckey, who calls for schools to set outcome goals and abide by outcome measures similar to recommendations by the ABA Section of Legal Education and Admissions to the Bar.

All of this adds up to big changes on the horizon. In addition to the motivating factors discussed above, increased attention to law school ranking such as the annual *U.S. News & World Report's* annual "best law schools" list has put pressure on schools to change. "I think what's happened is that the *U.S. News & World Report* standings fueled or reflected competition, and that has now gone into teaching as well," Garth points out "Every school wants to be seen as being on the cutting edge."

"Nobody's suggesting that you shouldn't think more critically," Stuckey says. "The fact is that our system of legal education has severe deficiencies. We shouldn't refrain from trying to improve legal education simply because the task is difficult." 

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