

# THE CONTINUED EVOLUTION OF AMERICAN LEGAL EDUCATION

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## INTRODUCTION

Perhaps no subject has captivated media attention more than the alleged “crisis in legal education.”<sup>1</sup> From articles in major periodicals such as the *New York Times*<sup>2</sup> and the *Washington Post*,<sup>3</sup> to the multitude of blog posts that have proliferated in recent years, reports of the decline of American legal education have been prolific and unrelenting.<sup>4</sup> Regardless of the fact that all of higher education faces similar challenges of cost, relevancy, and the need for improvement in outcomes,<sup>5</sup> the media have generally, yet

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1. See Paul Barrett, *The Ugly Truth About What's Going Wrong in American Law Schools*, BLOOMBERGBUSINESS (Apr. 16, 2015, 10:32 AM), <http://www.bloomberg.com/news/articles/2015-04-16/the-ugly-truth-about-what-s-going-wrong-in-american-law-schools>; Paul Campos, *The Law School Scam*, ATLANTIC (Sept. 2014), <http://www.theatlantic.com/magazine/archive/2014/09/the-law-school-scam/375069/>.

2. See David Segal, *Is Law School a Losing Game?*, N.Y. TIMES, Jan. 9, 2011, at BU1, <http://www.nytimes.com/2011/01/09/business/09law.html>.

3. See Charles Lane, *How Student Loans Keep Expensive Schools in Business*, WASH. POST (Aug. 26, 2015), [https://www.washingtonpost.com/opinions/how-student-loans-help-keep-expensive-schools-in-business/2015/08/26/e7d7f83a-4c11-11e5-902f-39e9219e574b\\_story.html](https://www.washingtonpost.com/opinions/how-student-loans-help-keep-expensive-schools-in-business/2015/08/26/e7d7f83a-4c11-11e5-902f-39e9219e574b_story.html).

4. See Editorial, *The Law School Debt Crisis*, N.Y. TIMES, Oct. 25, 2015, at SR8, <http://www.nytimes.com/2015/10/25/opinion/sunday/the-law-school-debt-crisis.html>; see also Blake D. Morant, Kellye Testy & Judith Areen, Opinion, *The Debt Burden of Law Graduates*, N.Y. TIMES, Nov. 2, 2015, at A22, <http://www.nytimes.com/2015/11/02/opinion/the-debt-burden-of-law-school-graduates.html> (responding to Editorial, *supra*).

5. See *Higher Education: Not What It Used to Be*, ECONOMIST, Dec. 1, 2012, at 29–30, <http://www.economist.com/news/united-states/21567373-american-universities-represent-declining-value-money-their-students-not-what-it>; Susan Adams, *New Study: Is No Degree Better Than a Liberal Arts Degree?*, FORBES (May 20, 2014, 10:49 AM), <http://www.forbes.com/sites>

persistently, described legal education as a behemoth that is slow to change and declining in demand.<sup>6</sup>

The media's focus on the dilemmas facing American law schools, together with the reality of the challenges they have highlighted, provides an opportunity for reasoned reflection. It has become a truism to say that law schools must change. Perhaps more important, however, is the normative imperative to examine the value that American legal education provides and the inevitable changes that ensure its relevancy in a complex market.

The invitation to participate in this timely Symposium provides an opportunity to reflect on what I consider to be the omnipresent evolution of American legal education.<sup>7</sup> Like any institution, context and market forces compel adaptation. Accordingly, law schools have continued to change.<sup>8</sup> This adaptation, or what I refer to as evolution, has been pedantically constant, though arguably inconsistent over time. Timeliness of needed change remains a legitimate concern;<sup>9</sup> however, change will undoubtedly occur given legal education's need for market relevancy.

My thesis in this discussion focuses on the premise that legal education has always been in a constant state of change. In fact, the changes stimulated by the decline in applications to law schools<sup>10</sup> and less market demand for law school graduates<sup>11</sup> have accelerated the continuing evolution of American legal education. From its inception based in apprenticeship to its present form that includes classroom instruction heavily supplemented with experiential learning, legal education in the United States continues to evolve, and the resultant programmatic changes are reflective of market realities.

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/susanadams/2014/05/20/new-study-is-no-degree-better-than-a-liberal-arts-degree/.

6. See Barrett, *supra* note 1; Campos, *supra* note 1; Michael I. Krauss, *Legal Education: What's Wrong with It, and How Do We Fix It*, FORBES (March 10, 2015, 9:53 AM), <http://www.forbes.com/sites/michaelkrauss/2015/03/10/legal-education-whats-wrong-with-it-and-how-do-we-fix-it/>.

7. Blake D. Morant, *Benefits from Challenge: The Continual Evolution of American Legal Education*, 64 J. LEGAL EDUC. 523, 526 (2014).

8. See *infra* notes 26–32 and accompanying text.

9. Jay Conison & Donald Livey, *Who Will Lead Change in Legal Education?*, NAT'L JURIST (June 6, 2014), <http://www.nationaljurist.com/content/who-will-lead-change-legal-education>.

10. Natalie Kitroeff, *Law School Applications Set to Hit 15-Year Low*, BLOOMBERGBUSINESS (Mar. 19, 2015, 11:38 AM), <http://www.bloomberg.com/news/articles/2015-03-19/law-school-applications-will-hit-their-lowest-point-in-15-years>.

11. Joshua Wright, *The Job Market for Lawyers: Side Work on the Rise Amid Continuing Glut of New Grads*, FORBES (Jan. 10, 2014, 11:20 AM), <http://www.forbes.com/sites/emsi/2014/01/10/the-job-market-for-lawyers-side-work-on-the-rise-amid-continuing-glut-of-new-grads/>.

My role as president of the Association of American Law Schools (“AALS”)<sup>12</sup> has provided a unique vantage point from which to view the changing landscape of legal education. This examination, both through independent research and anecdotal information captured in interviews with faculties all over the country, confirms that law schools are modifying their programs of education and, as a result, are preparing students for a demanding, global market. The mission of AALS has been invigorated by the challenges facing legal education, with the Association now serving as a resource for member law schools and a champion of American legal education in general.

This Article describes the continual evolution of American legal education. Part I of the Article examines briefly the history of legal training in this country, noting both its beginnings as a practical exercise in “reading the law” to its more modern incarnation that includes classroom instruction with increasing opportunities to exercise practical skills. The discussion of skills dominates Part II of the Article, noting the implementation of innovative programs at many law schools. The Article concludes with the premise that, despite the need for speedier change, American legal education, with its grounding in critical thinking skills and growing emphasis on professionalism, remains both relevant and essential in an increasingly global market.

Critics will undoubtedly continue to question the relevance of the present model of legal education.<sup>13</sup> The staid nature of our industry inhibits profound change in the short term. Yet, drastic change is neither necessary nor prudent. The market’s need for individuals with the ability to think critically and creatively, which are skill sets that American legal education has effectively honed since its adoption of the Langdellian model, has never been more acute.<sup>14</sup> Consequently, sweeping transformation of the program of legal education, particularly in the first year, is not necessary. Nonetheless, market demand for critical thinkers who are also trained professionals compels prudent change that enhances the utility of legal education.<sup>15</sup> This reality, among others, ensures the continued evolution of American legal education and its relevance in a complex, global marketplace.

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12. AALS is a 501(c)(3) nonprofit association of 179 law schools throughout the United States. *About, ASS’N AM. L. SCHS.*, <http://www.aals.org/about/> (last visited Apr. 4, 2016). AALS’s mission is to advance excellence in teaching and scholarship while promoting academic freedom and diversity. *Id.* Faculty and deans from AALS member schools participate in over one hundred volunteer-led sections that present programs, provide mentoring for new faculty, and facilitate discussions on important legal issues. *Id.*

13. See Barrett, *supra* note 1; Campos, *supra* note 1.

14. Morant, *supra* note 7, at 526–27.

15. *Id.* at 527.

## I. ORIGINS—FROM THE APPRENTICESHIP MODEL TO THE CLASSROOM

American legal education has continually evolved over time, often spurred by societal factors. From its genesis following the birth of the nation through the prodigiously challenging twenty-first century, the legal academy has undergone myriad transformations in both theory and practice. This Part of the Article will trace the rich history of American legal education and assess the major events of our time that have served as catalysts for that evolution.

During the eighteenth century, when legal education was in its infancy in the United States, individuals who sought to become lawyers were trained and mentored by practicing attorneys.<sup>16</sup> “This system of apprenticeship not only imparted substantive knowledge of the law, but also inculcated an appreciation for the professionalism required of a successful lawyer. Professionalism in this context embodied the recognition of the significance of the human dynamic and the historic responsibility of lawyers to foster society.”<sup>17</sup>

Legal training remained a historic pathway for individuals to make a living and foster the societies in which they lived. John Adams, the second president of the United States, opted to become a lawyer, despite the fact that his father wanted him to enter the ministry,<sup>18</sup> because the legal profession provided the opportunity to uplift society and nurture the democratic principles that defined the fledgling nation. President Adams believed that a great democracy was one in which every person, regardless of status or popularity, was entitled to justice and representation.<sup>19</sup> A free and democratic society required nothing less.

Abraham Lincoln, the sixteenth President of the United States, recognized the practice of law as a valuable career.<sup>20</sup> After failing as a surveyor and merchant, Lincoln read the law on his own and subsequently obtained a license from the Supreme Court of Illinois.<sup>21</sup> His practice was general in nature, which meant that he took cases of all varieties.<sup>22</sup> Though not considered an innovative or brilliant theorist, Lincoln’s talent lay in his unique ability to distill even the most complex of legal matters into narratives that laypersons could comprehend.<sup>23</sup> He favored compromise over full-

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16. Sean P. Farrell, *The Lincoln Lawyers*, N.Y. TIMES, Aug. 3, 2014, at ED22, <http://www.nytimes.com/2014/08/03/education/edlife/how-to-learn-the-law-without-law-school.html>.

17. Morant, *supra* note 7.

18. See DAVID McCULLOUGH, JOHN ADAMS 33, 37 (2001).

19. See *id.* at 224, 420–21.

20. See BRIAN DIRCK, LINCOLN THE LAWYER 10 (2007).

21. *Id.* at 21.

22. *Id.* at 26.

23. See JONATHAN W. WHITE, LINCOLN ON LAW, LEADERSHIP, AND LIFE 45–46 (2015).

blown litigation,<sup>24</sup> a quality that has particular utility in the modern practice of law.<sup>25</sup> His legal training and practice no doubt contributed to his skills as President, an office that requires the distillation of facts and the ability to persuade and achieve compromise.

The apprenticeship model, which Presidents Adams and Lincoln utilized, shifted to a didactic enterprise that treated law as science. In the nineteenth century, the legendary Christopher Columbus Langdell, dean of the Harvard Law School, promoted the case method of instruction to stimulate students to think critically and logically.<sup>26</sup> Langdell's innovation constituted a major evolutionary shift that still dominates the educational landscape today.<sup>27</sup> American legal education, nonetheless, has continued to evolve in response to societal demands. Starting in the late 1960s, for example, experiential learning programs and skills-based instruction became more salient.<sup>28</sup> Clinical legal education, as a result, has become de rigueur in law schools.<sup>29</sup>

Another shift took place toward the end of the twentieth century when, in response to critiques from the profession, law faculties began placing increased emphasis on communicative skills.<sup>30</sup> In 1992, the American Bar Association's MacCrate Report criticized law schools for inadequately preparing students for professional law practice and underscored the need to increase skills and values instruction to advance the professional development of lawyers.<sup>31</sup> Moreover, after conducting extensive fieldwork at law schools across America in 1999 and 2000, Professor Judith Wegner concluded in the Carnegie Foundation's landmark report on legal education that law schools needed to place a greater emphasis on practical, hands-on skills training in their curricula.<sup>32</sup> Wegner's

24. DIRCK, *supra* note 20, at 160–61.

25. See generally Thomas J. Stipanowich, *ADR and the "Vanishing Trial": The Growth and the Impact of "Alternative Dispute Resolution,"* 1 J. EMPIRICAL LEGAL STUD. 843 (2004) (discussing the benefits of alternative dispute resolution over costly litigation).

26. See Bruce A. Kimball, *Christopher Langdell: The Case of an 'Abomination' in Teaching Practice*, NEA HIGHER EDUC. J., Summer 2004, at 23, 24 (detailing the development of the case method).

27. See *id.*

28. See Laura G. Holland, *Invading the Ivory Tower: The History of Clinical Education at Yale Law School*, 49 J. LEGAL EDUC. 504, 515–16 (1999).

29. See *id.* at 533–34.

30. See *id.* at 526–27.

31. See TASK FORCE ON LAW SCH. & THE PROFESSION, AM. BAR ASS'N, LEGAL EDUCATION AND PROFESSIONAL DEVELOPMENT—AN EDUCATIONAL CONTINUUM 4–7 (1992), [http://www.americanbar.org/content/dam/aba/publications/misc/legal\\_education/2013\\_legal\\_education\\_and\\_professional\\_development\\_maccrate\\_report.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/publications/misc/legal_education/2013_legal_education_and_professional_development_maccrate_report.authcheckdam.pdf).

32. See WILLIAM M. SULLIVAN ET AL., EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW 14 (2000).

conclusions became prophetic. Experiential education and the professionalism skills that it fosters continue to proliferate, signaling legal education's response to market-based forces.

## II. THE PRESENT—EVOLUTION THROUGH INNOVATION

Today, legal education evolves at a more deliberate pace. The reasons are contextual. Over the past seven years, a chorus of pundits has declared that American legal education—and indeed all of higher education—is in crisis.<sup>33</sup> A number of elements have come together to create a perfect storm in American legal education. The Great Recession of 2008, combined with the substantial cost of pursuing a law degree, the weakened job market for lawyers, and traditional negativity about lawyers, has led to a decline in applications and brought into question the very efficacy of our pedagogical model. Unlike in economic downturns of the past, consumers no longer take refuge in the legal academy. Accumulating six-figure debt without the promise of lucrative employment at graduation contributes to risk aversion among many applicants.<sup>34</sup>

Challenges brought on by the perfect storm have prompted law schools to innovate more rapidly and dramatically in recent years. This so-called crisis has compelled every legal educator to think more creatively about pedagogy and curriculum. As a result, most, if not all, law schools in the United States continually explore the implementation of innovative programs that enhance both their market value and relevance. Many of these programs have as their foundations the interrelation of doctrinal principles taught in the classroom and real-world problem solving.<sup>35</sup> An increasing number of externships and internships, flexible and accelerated degree programs, experiential and international opportunities, and professional development courses that hone lawyering skills have

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33. See, e.g., James E. Moliterno, *And Now a Crisis in Legal Education*, 44 SETON HALL L. REV. 1069, 1071–72 (2014); Aleatra P. Williams, *The Role of Bar Preparation Programs in the Current Legal Education Crisis*, 59 WAYNE L. REV. 383, 384 & n.2 (2013).

34. See Brian Z. Tamanaha, *Legal Educators Defending the Status Quo*, 41 WASH. U. J.L. & POL'Y 131, 139–42 (2013).

35. See generally Michelle Weyenberg, *25 Innovative Ideas*, PreLaw, Oct. 1, 2013, at 30, [http://www.nxtbook.com/nxtbooks/cypress/prelaw\\_2013backtoschool/#/30](http://www.nxtbook.com/nxtbooks/cypress/prelaw_2013backtoschool/#/30) (discussing innovative experiential programs implemented by law schools across the country).

proliferated.<sup>36</sup> In my view, virtually all of these programs share professionalism as a common pedagogical thread.<sup>37</sup>

Professionalism, while somewhat broad in definitional scope, includes both doctrinal competency and behavioral attributes needed in a successful career. Ethics, civility, charity, respect, and interpersonal skills combine to define a graduate as the consummate professional.<sup>38</sup> Law schools have historically made short shrift of professionalism's importance, often relegating it to the limited confines of a course in professional responsibility.<sup>39</sup> The need to innovate, however, has brought a new wave of programs that hone students' professional skills. Whether this phenomenon is explicit or tacit, it remains highly pivotal in the academy's quest for relevancy. It also addresses employers' command that law schools deliver graduates who are "practice ready," which, in my view, is a plea for graduates to have a greater sense of professionalism.<sup>40</sup>

My survey of new programs implemented in the wake of the perfect storm reveals a growing emphasis on professionalism in law schools nationwide.<sup>41</sup> These programs, which I detail below, work synergistically with doctrinal programs and provide students with opportunities to exercise a range of skills that enhance graduates' marketability. The plethora of these programs signals the breadth of change and innovation within the legal academy.

36. See generally NAT'L ASS'N FOR LAW PLACEMENT, 2011 SURVEY OF LAW SCHOOL EXPERIENTIAL LEARNING OPPORTUNITIES AND BENEFITS: RESPONSES FROM GOVERNMENT AND NONPROFIT LAWYERS (2012), <http://www.nalp.org/uploads/2011ExpLearningStudy.pdf> (surveying "hands on" experiential learning opportunities in law schools across the country).

37. For more on professionalism, see MARTHA L. MINOW, MAKING GLOBAL LAWYERS FOR THE 21ST CENTURY (2010); Donna C. Chin et al., *One Response to the Decline of Civility in the Legal Profession: Teaching Professionalism in Legal Research and Writing*, 51 RUTGERS L. REV. 889 (1999); P.E. Longan, *Teaching Professionalism*, 60 MERCER L. REV. 659 (2009).

38. See Colin Croft, *Reconceptualizing American Legal Professionalism: A Proposal for Deliberative Moral Community*, 67 N.Y.U. L. REV. 1256, 1266–69 (1992).

39. See Longan, *supra* note 37, at 661–62.

40. See Robert J. Condlin, "Practice Ready Graduates": A Millennialist Fantasy, 31 TOURO L. REV. 75, 75 (2014); Robert Steinbuch, *The Problem with Focusing on "Practice-Ready" Graduates*, NAT'L JURIST (July 2, 2015), <http://www.nationaljurist.com/content/problem-focusing-practice-ready-graduates>. As the sources note, producing practice-ready graduates is impracticable and unrealistic. Given the wide range of practice areas as well as the variety of legal jobs, it makes more sense to focus on developing legal professionalism that is applicable to any chosen career path.

41. It is important to note that the innovative programs identified in this Article do not even scratch the surface of the total number of innovative programs being implemented by law schools across the country. The impossibility of listing all of these programs signifies the degree of innovation within the legal academy.

Some law schools have established innovative clinics, which have become standard curriculum, and implemented practice-training courses that exercise practical skills. For example, the University of Denver Sturm College of Law guarantees that students will receive a year of practical training and the opportunity to interact with real clients.<sup>42</sup> Boston University School of Law recently launched a mandatory Lawyering Lab to introduce first-year students to “real world” lawyering skills.<sup>43</sup> 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.<sup>44</sup>

The University of Akron School of Law recently launched an innovative Certification of Qualification for Employment Clinic in which law students help clients with the challenges of reentering society from the criminal justice system.<sup>45</sup> At Wayne State University Law School’s Legal Advocacy for People with Cancer Clinic, law students assist low-income cancer patients in Detroit.<sup>46</sup> 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.<sup>47</sup> Moreover, 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.<sup>48</sup>

Notre Dame Law School, the University of Illinois College of Law, and a number of other law schools offer semester-long

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42. Mike Stetz, *10 Most Promising Innovations in Legal Education and the Schools Behind Them*, PRELAW, Aug. 28, 2015, at 28, 29, [https://www.udayton.edu/news/\\_resources/pdfs/prelaw\\_back\\_to\\_school\\_most\\_promising\\_innovations.pdf](https://www.udayton.edu/news/_resources/pdfs/prelaw_back_to_school_most_promising_innovations.pdf).

43. *Lawyering Lab Builds Hands-on Transactional Work into the First Year*, B.U. SCH. L. (Jan. 26, 2016), <http://www.bu.edu/law/2016/01/26/lawyering-lab-builds-hands-on-transactional-work-into-the-first-year/>.

44. *Baking a Bigger Tech Pie: Startup Legal Garage Works to Serve Women and Minority Entrepreneurs*, U.C. HASTINGS C.L. (Dec. 18, 2013), <http://www.uchastings.edu/news/articles/2013/12/startup-legal-garage.php>.

45. *Serving Clients Facing Re-entry from the Criminal Justice System*, ASS’N AM. L. SCHS., <http://www.aals.org/home/innovative-and-other-outstanding-programs/serving-clients-facing-re-entry-from-the-criminal-justice-system/> (last visited Apr. 4, 2016).

46. *Legal Advocacy for People with Cancer Clinic*, WAYNE ST. U., <http://law.wayne.edu/clinics/cancer-clinic.php> (last visited Apr. 4, 2016).

47. *Pro Bono Collaborative*, ROGER WILLIAMS U. SCH. L., <http://law.rwu.edu/feinsteincenter/experiential-learning/pro-bono-elr/pbc> (last visited Apr. 4, 2016).

48. *Whittier Law School Partners with Legal Aid Society to Create Unique Incubator Program*, WHITTIER L. SCH. (Dec. 4, 2014), <https://www.law.whittier.edu/index/news/article/whittier-law-school-creates-unique-incubator-program-with-legal-aid-society>.

externships in major cities around the country.<sup>49</sup> These programs provide students with extensive experience interacting with clients and practicing attorneys and place them in situations in which prospective employers can witness their professional acumen.

Pro bono opportunities at law schools across the country continue to expand.<sup>50</sup> These programs offer access to justice, provide opportunities to exercise practical skills, and instill a heightened sense of volunteerism, which remains an important tenet of professionalism. The George Washington University Law School's ("GW Law") successful preorientation program for entering first-year law students introduces them to a wide range of public interest and pro bono opportunities in the D.C. area, motivating many to provide pro bono legal assistance to the community throughout law school.<sup>51</sup> Last year, 150 graduating students at GW Law 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.<sup>52</sup> Through the GW Cancer Pro Bono Legal Project, law students and a licensed lawyer work with cancer patients, helping clients with advanced directives, employment issues, health insurance, wills, and Social Security benefits.<sup>53</sup>

A prime example of an innovative program that prepares students for the workplace is the University of California Hastings College of Law's Startup Legal Garage, in which law students do corporate and intellectual property work for early-stage tech and biotech companies, supervised by outside law firms.<sup>54</sup> Similarly, the University of Texas School of Law offers legal assistance to small businesses and startups in Austin through its Entrepreneurship and Community Development Clinic.<sup>55</sup> Each semester, students work in teams under attorney supervision to assist clients who would

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49. See *Notre Dame Law in Chicago*, U. NOTRE DAME L. SCH., <http://law.nd.edu/academics/clinics-and-experiential-learning/externships/the-chicago-program/> (last visited Apr. 4, 2016).

50. See ABA STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS 2015–2016 § 303 (AM. BAR ASS'N 2015).

51. Laura Hambleton, *Cultivating Seeds of Service*, GEO. WASH. U. L. SCH. MAG. (Winter 2015), <http://www.gwlawmagazine.com/cultivating-seeds-service-0>.

52. BLAKE D. MORANT, ASS'N OF AM. LAW SCH., ABA PUBLIC HEARING ON ACCESS TO LEGAL SERVICES 2–3 (Aug. 1, 2015), [http://www.americanbar.org/content/dam/aba/images/office\\_president/blake\\_morant.pdf](http://www.americanbar.org/content/dam/aba/images/office_president/blake_morant.pdf).

53. *GW Cancer Pro Bono Legal Project*, GEO. WASH. U. SCH. MED. & HEALTH SCI., <https://smhs.gwu.edu/gwci/patient-care/legalprogram> (last visited Apr. 4, 2016).

54. *Startup Legal Garage*, U.C. HASTINGS C.L., <http://innovation.uchastings.edu/focus-areas/startup-legal-garage/> (last visited Apr. 4, 2016).

55. *Entrepreneurship and Community Development Clinic*, U. TEX. AUSTIN SCH. L., <https://law.utexas.edu/clinics/ecdc/> (last visited Apr. 4, 2016).

otherwise be unable to afford legal assistance to get their small businesses (e.g., food trucks) up and running.<sup>56</sup>

As I mentioned previously, law schools nationwide inculcate tenets of professionalism through their innovations. The University of Denver Law School, for example, has partnered with the University of Colorado Law School to develop a legal residency program for graduates during their first year of practice.<sup>57</sup> This innovation provides hands-on training in client development and practical skills related to the general practice of law.<sup>58</sup> Law schools at the University of Montana, Temple University, Wake Forest University, Indiana University Bloomington, and GW Law offer creative programs that introduce first-year students to the intricacies of legal practice and the professionalism required to be successful after graduation.<sup>59</sup> Some of these programs employ practicing lawyers and judges in aspects of the instruction.<sup>60</sup>

Wake Forest University School of Law and Indiana University Maurer School of Law have instituted mandatory professional development courses for first-year students.<sup>61</sup> GW Law's Inns of Court program offers students support and guidance from a diverse set of advisors dedicated to enriching their law school experience and enhancing their career opportunities.<sup>62</sup> First-year students are assigned to one of six Inns of Court, named after former Supreme Court Justices, and take all first-year classes with their Inn.<sup>63</sup> Their Inn remains their community throughout law school, providing

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56. *Offering Legal Assistance to Austin's Small Businesses and Startups*, ASS'N AM. L. SCHS., <http://www.aals.org/home/innovative-and-other-outstanding-programs/offering-legal-assistance-to-austins-small-businesses-and-startups/> (last visited Apr. 4, 2016).

57. *DU/CU Legal Residency Program*, U. DENV. STURM C.L., <https://www.law.du.edu/index.php/career-development-and-opportunities/employer-resources/legal-residency-program/> (last visited Apr. 4, 2016).

58. *Id.*

59. *See, e.g., Indiana University Maurer School of Law—Bloomington*, LAW SCH. ADMISSION COUNCIL, [http://www.lsac.org/officialguide/2013/lac\\_1324.asp](http://www.lsac.org/officialguide/2013/lac_1324.asp) (last visited Apr. 4, 2016); *Inns of Court*, GEO. WASH. U. SCH. L., <http://www.law.gwu.edu/inns-of-court> (last visited Apr. 4, 2016); *J.D. Curriculum*, TEMPLE U. BEASLEY SCH. L., <http://www.law.temple.edu/academics/degrees/jd/curriculum/> (last visited Apr. 4, 2016); *Lawyer's Fundamentals: Theory and Practice*, U. MONT. ALEXANDER BLEWETT III SCH. L., <https://www.umt.edu/law/academics/catalog/courses/lawyer-fundamentals-theory-and-practice.php> (last visited Apr. 4, 2016); Lisa Snedeker, *Wake Forest Law Requires First-Year Students to Take Inaugural Professional Development Course*, WAKE FOREST U. SCH. L. (Aug. 15, 2013), <http://news.law.wfu.edu/2013/08/professional-development-course-for-first-year-students-required-for-first-time/>.

60. *See, e.g., Inns of Court*, *supra* note 59.

61. *Indiana University Maurer School of Law—Bloomington*, *supra* note 59; Snedeker, *supra* note 59.

62. *Inns of Court*, *supra* note 59.

63. *Id.*

students with a unique and supportive educational experience.<sup>64</sup> Other programs adding to the growing list of law schools that heighten the professional training of students include the Emory Law Professionalism Program,<sup>65</sup> the University of Pennsylvania Center on Professionalism,<sup>66</sup> and the University of Chicago Law School's Professionalism Program,<sup>67</sup> which prepare students for legal careers in the twenty-first century.

In addition to the experiential innovations, legal education has responded to criticisms focused on cost by establishing programs that seek to add value and manage those costs. Some law schools have implemented voluntary cost reductions to minimize tuition.<sup>68</sup> A number of law schools offer flexible degree programs that allow individuals to accelerate their study, while others offer students the option to augment their legal studies with other disciplinary degrees, certificates, and complementary programs.<sup>69</sup> Two-year Juris Doctor ("J.D.") programs, which President Obama once touted,<sup>70</sup> are offered at some law schools.<sup>71</sup> These accelerated programs, while abstractly appealing due to the reduction in time and debt in pursuing a J.D. degree, often have limitations, such as

64. *Id.*

65. *Professionalism Program*, EMORY U. SCH. L., <http://law.emory.edu/academics/academic-programs/professionalism.html> (last visited Apr. 4, 2016).

66. *Center on Professionalism: About Us*, U. PENN. L. SCH., <https://www.law.upenn.edu/careers/professionalism/about-us.php> (last visited Apr. 4, 2016).

67. *Keystone Professionalism and Leadership Program*, U. CHI. L. SCH., <http://www.law.uchicago.edu/Keystone> (last visited Apr. 4, 2016).

68. See Jennifer Smith, *Law Schools Boost Enrollment After Price Cuts*, WALL STREET J. (Sept. 2, 2014, 11:31 AM), <http://www.wsj.com/articles/law-schools-boost-enrollment-after-price-cuts-1409671882> (noting several law schools that have cut tuition costs or are planning to do so); Delece Smith-Barrow, *Experts: Financial Planning Key for Law Students Despite Tuition Cuts*, U.S. NEWS & WORLD REP. (Mar. 18, 2014, 9:02 AM), <http://www.usnews.com/education/best-graduate-schools/top-law-schools/articles/2014/03/18/as-law-schools-reduce-cost-experts-say-financial-planning-still-key>.

69. See Delece Smith-Barrow, *Determine if a Two-Year Law School Program Is a Good Fit*, U.S. NEWS & WORLD REP. (Apr. 18, 2013, 9:00 AM), <http://www.usnews.com/education/best-graduate-schools/top-law-schools/articles/2013/04/18/determine-if-a-two-year-law-school-program-is-a-good-fit> (pointing to Dayton, Drexel, and Pepperdine as law schools with accelerated study options).

70. Dylan Matthews, *Obama Thinks Law School Should Be Two Years. The British Think It Should Be One.*, WASH. POST: WONKBLOG (Aug. 27, 2013), <https://www.washingtonpost.com/news/wonkblog/wp/2013/08/27/obama-thinks-law-school-should-be-two-years-the-british-think-it-should-be-one/>.

71. See, e.g., *Accelerated Option*, PEPP. U. SCH. L., <https://law.pepperdine.edu/degrees-programs/juris-doctor/accelerated-option/> (last visited Apr. 4, 2016); *Fast Forward: The Two-Year Accelerated JD Program*, DREXEL U. THOMAS R. KLINE SCH. L., <http://drexel.edu/law/academics/accelerated-jd/> (last visited Apr. 4, 2016).

intensive course loads and markedly less time for internships and experiential learning. It remains to be seen whether two-year J.D. programs are universally viable. Northwestern Law, the first top-tier law school to offer an accelerated J.D. program, recently suspended its program indefinitely.<sup>72</sup>

Finally, in response to technological advancements, law schools have developed courses that provide students with a greater understanding of technology's impact on the legal profession. This increased focus reflects a growing sensitivity to employer criticism, which implores law schools to do a better job of training students on the intricacies of technology in the practice of law.<sup>73</sup> With technology transforming contemporary law practice, educating students about its applications and salience has become critical. Fifty-seven law schools offer a concentration in technology.<sup>74</sup> Many programs also familiarize students with the realities of the business models that continue to change as the practice of law adapts to a more globalized marketplace. This globalization has also prompted some law schools to integrate international perspectives more prominently into the J.D. curriculum.<sup>75</sup>

While the legal academy has been presented with a variety of challenges, law schools across the country have risen to the occasion during my tenure as president of AALS. The perfect storm has forced law schools, which have effectively inculcated critical thinking and problem-solving skills in students, to employ those same skills themselves to meet the challenges of the market. The increasing number of new and innovative programs described above evidences the legal academy's critical examination of its educative mission. These programs have been tailored to enhance students' professional skills, while maintaining a focus on the development of critical thinking. The core principles of legal education that date back to Langdell have not been jettisoned; instead, law schools continue to build upon the Langdellian model by providing opportunities for students to mature as professionals.

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72. Daniel B. Rodriguez, *Northwestern Law Suspends Accelerated JD Program*, NW. PRITZKER SCH. L. (Oct. 2, 2015), <http://www.law.northwestern.edu/about/news/newsdisplay.cfm?ID=761>.

73. See John Schwartz, *This Is Law School?*, N.Y. TIMES, Aug. 3, 2014, at ED24, <http://www.nytimes.com/2014/08/03/education/edlife/socrates-takes-a-back-seat-to-business-and-tech.html>; see also Monica Bay, *Big Law Whipped for Poor Tech Training*, LEGALTECH NEWS (May 22, 2013), <http://www.lawtechnologynews.com/id=1202601218054> (discussing a study by Kia Motors corporate counsel D. Casey Flaherty that highlights the poor technical competency of lawyers).

74. Stetz, *supra* note 42, at 34.

75. See generally Larry Catá Backer, *Internationalizing the Law School Curriculum* (in *Light of the Carnegie Foundation's Report*), in THE INTERNATIONALIZATION OF LAW AND LEGAL EDUCATION 49 (Jan Klabbers & Mortimer Sellers eds., 2008) (describing the development of legal education, which has incorporated an international perspective in recent years).

## CONCLUSION

Critiques of the academy will undoubtedly continue and should be welcomed as the academy continues to evolve. I recognize that the academy's evolution is neither complete nor as swift as some critics would like. Some maintain that American legal education remains staid, with only modest changes to the dominant, Langdellian model.<sup>76</sup> While the speed of change remains debatable, there is little doubt that law schools across the country are constantly seeking ways to adapt to today's challenging environment.

Especially during these turbulent times, the need for quality legal education has never been more acute. The global market needs professionals who can think creatively and provide innovative solutions to complex problems, and American legal education has long addressed this need. The legal academy indeed remains the gold standard of education around the world and its greatest asset—the production of critical thinkers and creative problem solvers who can excel in the complex, global marketplace—has never been more important.

Current challenges facing American legal education have opened the door to new opportunities that have, in turn, spawned an era of innovation in the academy. To remain relevant, however, law schools must continue to innovate at a more deliberate pace. This innovation, which is demonstrative of the academy's continual evolution, must complement legal education's established proficiency in the honing of critical thinking and creative problem solving skills. Despite these challenges, American legal education should not only survive, but also must adapt and thrive. A complex, global market compels—and deserves—nothing less.

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76. See David Segal, *What They Don't Teach Law Students: Lawyering*, N.Y. TIMES, Nov. 20, 2011, at A1, <http://www.nytimes.com/2011/11/20/business/after-law-school-associates-learn-to-be-lawyers.html>.

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