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**Some Thoughts on the Future of Legal Education: Why Diversity
and Student Wellness Should Matter in a Time of “Crisis”**

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SOME THOUGHTS ON THE FUTURE OF LEGAL EDUCATION: WHY DIVERSITY AND STUDENT WELLNESS SHOULD MATTER IN A TIME OF “CRISIS”

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Abstract

Some vocal critics have loudly proclaimed that the challenges of law school economic have reached “crisis” proportions. They point to the well-known facts about recent developments in the market for law schools. Law schools have experienced a precipitous drop in applications. The global recession decimated the legal job market. To make matters worse, rising tuition has resulted in increasing debtloads for law graduates.

In light of the changes in the legal marketplace, stabilization of the budgetary picture is currently the first priority of virtually every American law school. Faculty members have been let go. Staffs reduced. Enrollment of students — and the collection of tuition revenues — have critical budgetary consequences.

Linked to the economic “crisis” facing law schools and students was deep concern with each school’s relative placement in the much-watched *U.S. News and World Report* law school rankings. These rankings, among other things, affect admissions and enrollment, and thus budgetary bottom lines for law schools.

Much less publicized concerns with legal education involve non-financial issues. The lack of racial and other diversity of students attending law school, and ultimately entering the legal profession, and faculty, has long been a problem. In addition, today’s students demand a more humane legal education and are asking for additional academic support, career and mental health counseling, experiential learning opportunities, and more. The costs of the additional services and programs have further added to budgetary pressures on law schools.

This Essay contends that law schools should strive to address the noneconomic as well as the economic problems with modern legal education. In a time of considerable change, this is a most opportune time to consider and implement deep and enduring improvements that benefit students as well as the entire legal profession.

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I am honored to participate in the prestigious Mitchell Lecture series at the State University of New York, Buffalo Law School. Having spent nearly two decades as a law school administrator, I have devoted considerable time, energy, and attention to the central question to be addressed today – how law schools should respond to the changing legal marketplace. Needless to say, a seemingly ever-growing body of commentary on the subject provides many insights and thoughtful analysis. Nevertheless, I readily confess at the outset of my remarks that I do not have all the answers. And I caution you all to be extremely wary of people who say that they do. My modest hope is to contribute in a small yet meaningful way to the ongoing dialogue about the reforms that have been implemented, and will almost inevitably continue, in legal education.

Law schools have been responding to the evolving legal market, with the responses both ongoing and far-reaching. At the same time, it has been deeply contested inside and outside of legal academia how law schools as a normative matter should proceed and whether they in fact are meaningfully and appropriately responding. Changes in the legal marketplace no doubt will continue to fuel considerable debate, discussion, and reform.

Unfortunately, deep pessimism, skepticism, and downright anger about the efficacy of legal education have spread like wildfire. Hyperbole and exaggeration run rampant. Some critics have gone so far as to claim that law schools engage in fraud in order to dupe prospective students to attend law school and pay hefty tuitions.¹ Along those lines, many observers seriously question whether legal education has much of a future.²

¹ Several law schools have been sued unsuccessfully by disgruntled graduates for fraud in the reporting of law school employment data. *See, e.g.,* Elizabeth Olson, *Law Graduate Who Sued Her School Loses at Trial*, N.Y. TIMES, Mar. 24, 2016.

² *See infra* note __ (citing authorities).

The harsh condemnations of law schools and the nihilistic tones of the critics are unsettling to say the least. Nevertheless, I remain cautiously optimistic, believing that the thoughtful comments of informed scholars, such as the group who have been assembled in this year's Mitchell Lecture series, will ultimately prevail and provide a more constructive, realistic, and hopeful appraisal of the prospects for the future of legal education.

Please do not get me wrong. Law schools indeed face serious challenges. Unlike some of the critics, however, I tend to think that we are up to them.

As we are all well aware, change, especially of the most fundamental variety, can be extremely difficult for many – perhaps most – people to accept. Let me give you an example that is unrelated to the law but hopefully illustrates this general point. A good high school and college friend of mine is a rabid baseball fan. He still claims with great disdain that the “designated hitter” rule – a change in place in the American League *for more than 40 years* – nothing less than ruined Major League Baseball.³ In my estimation, his feelings have not been leavened in the least by with the passage of time. Fortunately for him, Facebook and Twitter provide a ready outlet to regularly share his displeasure with the DH rule.

Moreover, it unquestionably is the case that, in the heat of any particular historical moment, the magnitude of change is prone to exaggeration. Put differently, people in the heat of the moment frequently overstate and overreact to change. As many in the audience will no doubt recall, a popular refrain for years after the tragic events of September 11, 2001 was that “September 11 changed everything.”⁴ With the benefit of hindsight and the passage of 15 years,

³ See *National League Could Adopt DH by 2017, Rob Manfred Says*, SPORTING NEWS, Jan. 21, 2016.

⁴ See Kevin R. Johnson, *Protecting National Security Through More Liberal Admission of Immigrants*, 2007 U. CHI. LEGAL F. 157, 157 (“Commentators and pundits have repeated the

many observers probably would admit that, even though that historical day had far-reaching legal, political, social, and other consequences, it is a bit of an exaggeration to claim that the events of that day changed “everything.” (My friend, for example, would quickly point out that the DH rule has remained firmly intact after September 11.). My modest point here is to remind us all that accurately assessing the enduring significance of contemporary developments generally takes the passage of time. Moving away temporally from the heat of the moment helps in making that assessment. Specifically, only with the passage of sufficient time will we be able to judge the significance, magnitude, and staying power of contemporary changes to legal education.

With this background in mind, few informed observers would dispute that American legal education has experienced a particularly turbulent period over the last few years. Law schools have faced a series of formidable challenges and experienced dramatic internal and external changes. Like the changes or not, they have come and continue coming. Left no choice, law school administrators have attempted to constructively and constantly adapt to a rapidly changing environment. Some changes have helped; others have not.

One observer has succinctly summarized the external developments that have directly affected legal education as follows:

[t]he current crisis in legal education coincides with a crisis in the practice of law. Law practice has changed as result of technology, globalization, and economic pressures. The market for legal education’s product, law graduates, has diminished. *Law schools cannot*

mantra ‘September 11 changed everything’ so often . . . that the phrase has lost nearly any and all meaning.”).

*remain the same in this environment. Except for a very small number of elite schools, those that do not adjust are at serious risk of failing.*⁵

As this sobering summary suggests, many observers have speculated that we may be seeing nothing less than the beginning of the end of legal education as we know it. Indeed, my firm sense is that some critics no less than revel in making those incredibly gloomy predictions with great enthusiasm. They also express great anger, distrust, and disdain at virtually any statement, however limited and measured, that law schools might have some kind of legitimate future.

The tumult in legal education has led to considerable transformation, reform, and change, as well as a good deal of anxiety, scrambling, and head-scratching among law students, faculty, and administrators. Consider the basic undisputed changes resulting from the transformation of the global legal market. Law schools have experienced a precipitous drop in applications.⁶ Some schools are admitting students who are less qualified — at least as measured by traditional metrics — than was the case in the recent past. To avoid enrolling students with lower test scores and grade point averages, other law schools also have significantly reduced enrollments.⁷ To attract the most highly qualified students, many schools have greatly increased the amounts

⁵ James E. Moliterno, *And Now a Crisis in Legal Education*, 44 SETON HALL L. REV. 1069, 1072 (2014) (emphasis added).

⁶ See Mark Hansen, *Count Off: Law School Enrollment Continues to Drop, and Experts Disagree on Whether the Bottom is in Sight*, ABA J., Mar. 2015, at 64 (reporting that law school enrollment in 2014 fell for the fourth straight year); Elizabeth Olson & David Segal, *A Steep Slide in Law School Enrollment Accelerates*, N.Y. TIMES, Dec. 18, 2014, at B3 (reviewing the decline in law school applications and enrollments).

⁷ See Peter Schworm, *Waning Ranks at Law Schools: Institutions Fear Recession's Effect Could be Lasting*, BOSTON GLOBE, July 6, 2014.

allocated to awards of scholarships and financial aid.⁸ To make matters worse, the global recession no less than decimated the legal job market, forcing law graduates – many unsuccessfully -- to hustle for work and law schools to scramble to find ways to help them secure legal employment.⁹ Rising tuition contributed to increasing loan debtloads, which made the difficulty experienced by law school graduates searching for jobs even more burdensome.¹⁰

By at least some vocal, if not shrill, accounts, the economic problems of law schools have reached nothing less than “crisis” proportions.¹¹ At the same time, no clear cut solutions appear on the horizon. Nonetheless, law schools have responded in a myriad of different ways. They will by necessity no doubt be required to continue to respond and maintain efforts to address the changes in the evolving law school market. How those changes will ultimately unfold – and what reforms will be implemented -- is far from clear at this time.

⁸ See *infra* text accompanying notes ____.

⁹ See Bernard A. Burk, *What’s New About the New Normal: The Evolving Market for New Lawyers in the 21st Century*, 41 FLA. ST. U.L. REV. 541 (2014); Deborah Jones Merritt, *What Happened to the Class of 2010? Empirical Evidence of Structural Change in the Legal Profession*, 2015 MICH. ST. L. REV. 1043; Danielle Douglas-Gabriel, *Law Schools Try to Adapt as Job Market Sours*, WASH. POST, Apr. 21, 2015, at A1.

¹⁰ See Jonathan D. Glater, *Student Debt and Higher Education Risk*, 103 CAL. L. REV. 1561, 1575-79 (2015).

¹¹ See, e.g., PAUL CAMPOS, DON’T GO TO LAW SCHOOL (UNLESS): A LAW PROFESSOR’S INSIDE GUIDE TO MAXIMIZING OPPORTUNITY AND MINIMIZING RISK (2012); STEPHEN J. HARPER, THE LAWYER BUBBLE: A PROFESSION IN CRISIS (2013); BRIAN Z. TAMANAHA, FAILING LAW SCHOOLS (2012); Kyle P. McEntee, Patrick J. Lynch & Derek M. Tokaz, *The Crisis in Legal Education: Dabbling in Disaster Planning*, 46 U. MICH. J.L. REFORM 225 (2012); James Huffman, *Law Schools: Reform or Go Bust*, NEWSWEEK, Feb. 20, 2015. The dire claims of the critics have been questioned. See, e.g., Paul Horwitz, *What Ails the Law Schools?*, 111 MICH. L. REV. 955, 957 (2013) (noting the vagueness in the claims about the precise nature of the “crisis” in modern legal education); Edward Rubin, *The Future and Legal Education: Are Law Schools Failing and If So, How?*, 39 LAW & SOC. INQUIRY 499 (2014) (offering different perspectives than the critics on reforms needed in legal education).

Most knowledgeable students of the modern law school as an institution generally accept the notion that reforms to legal education are necessary. Nonetheless, the appropriate direction for reform is not entirely clear. How law schools should respond to recent developments, in fact, has been much-discussed and hotly contested.¹²

Suggestions for reform of legal education come from many different quarters. They have a wide variety of contrasting, at times conflicting, perspectives. The proposals also cut in dramatically different directions and address different aspects of the so-called “crisis” in legal education. To complicate matters, critics can be found both inside and outside the legal academy.

Consider some of the reform proposals emerging from the major law school constituencies. Not surprisingly, students in no uncertain terms persistently demand reductions in tuition; almost in the same breath, they insist that law schools provide more student services, such as career placement services, mental health counseling, and more.¹³ In a very different vein, as will be discussed,¹⁴ legal employers and the organized bar, among other things, have demanded that law schools provide more skills training to students. Somewhat out of character, the venerable *New York Times* has entered the fray, siding frequently with the vocal critics who claim that law schools have caused a “debt crisis” among law graduates, there are simply “too few legal jobs” for law graduates, and more.¹⁵

¹² See, e.g., Frank H. Wu, *Reforming Law Schools: A Manifesto*, 46 U. TOL. L. REV. 417 (2015).

¹³ See *infra* Part III.B.

¹⁴ See *infra* text accompanying notes ____.

¹⁵ See Editorial, *The Law School Debt Crisis*, N.Y. TIMES, Oct. 25, 2015, at SR8; Steven J. Harper, *Too Many Law Students, Too Few Legal Jobs*, N.Y. TIMES, Aug. 25, 2015, at A19.

One might characterize this moment in time as nothing less than a perfect storm for law schools. What could be worse financially for these well-established, and once respected, institutions than a wicked combination of declining applications, a tough job market for law graduates, rising tuition, and heated, seemingly endless, criticism from virtually all quarters? During the recession and its aftermath, law schools as a general matter felt compelled to take aggressive – arguably extreme – measures, including layoffs of faculty and staff, in attempting to ensure their economic survival.

Stabilization of the budgetary picture by necessity was a first priority at virtually every American law school. Consequently, law deans were forced to quickly make a great many extremely difficult decisions. Faculty members were let go. Staffs were cut. Vacant positions went unfilled. To ensure the necessary revenues to maintain basic law school operations, enrollment of a regular flow of students became more critical than ever. Budgetary pressures militated strongly in favor of enrolling students, and maintaining the flow of tuition revenues. However, the quality of the applicant pool (and the number of law school applicants) by traditional numerical indicators declined in the aggregate. Despite cost cutting measures, rumors persist that some law schools might be forced to close their doors.¹⁶

On top of the looming economic “crisis” facing law schools and students, deep concern long has existed, about each school’s relative placement in the much-watched *U.S. News and World Report* law school rankings. The rankings, among other things, have profound ripple effects on admissions and enrollment, and thus law school revenues and budgetary bottom

¹⁶ See Dorothy Brown, *Which Top Law School Will Close? Follow the Money*, FORBES, Mar. 17, 2016.

lines.¹⁷ Whatever the shortcomings of the *U.S. News* rankings — and too many have been identified to list them all here,¹⁸ they unquestionably are relied on a great deal by prospective students, and matter much to current students, faculty members, alumni, and university administrators. Indeed, a few law deans reportedly have lost their jobs over falls of their respective schools in the rankings.¹⁹

The LSAT profile of the entering class factors significantly into the *U.S. News* rankings. With a smaller pool of applicants, the possibility of lower LSAT medians led to quick and immediate responses by law schools. In the hopes of maintaining, if not increasing, a school's ranking, aggressive competition grew for applicants with LSAT scores on the high end of the spectrum; attempting to maintain their LSAT medians, some law schools decided to enroll smaller classes.²⁰

Falling employment of law graduates due to the recession also affected the *U.S. News* law school rankings. As mentioned previously, recent graduates have experienced formidable

¹⁷ See David Yellen, *The Impact of Rankings and Rules on Legal Education Reform*, 45 CONN. L. REV. 1389 (2013). See generally Olufunmilayo B. Arewa et al., *Enduring Hierarchies in Legal Education*, 89 IND. L.J. 841 (2014) (analyzing the enduring hierarchy among American law schools).

¹⁸ For a sampling of the critical assessments of the *U.S. News* law school rankings and their impacts, see, for example, Alex M. Johnson, Jr., *The Destruction of the Holistic Approach to Admissions: The Pernicious Effects of Rankings*, 81 IND. L.J. 309 (2006); Brian Leiter, *How to Rank Law Schools*, 81 IND. L.J. 47 (2006); Nancy B. Rapoport, *Ratings, Not Rankings: Why U.S. News & World Report Shouldn't Want to Be Compared to Time and Newsweek – or The New Yorker*, 60 OHIO ST. L.J. 1097 (1999); Jeffrey Evans Stake, *The Interplay Between Law School Rankings, Reputations, and Resource Allocation: Ways Rankings Mislead*, 81 IND. L.J. 35 (2006).

¹⁹ See, e.g., Monica Guzman, *Dean of Law Center Resigning: Move Follows Criticism for Drop in National Rankings*, HOUS. CHRON., Apr. 18, 2006.

²⁰ See Debra Cassens Weiss, *DC Law Schools Shrink, See Declining LSAT Scores*, ABA J., Sept. 16, 2013.

difficulties in securing employment. Some regions of the country, especially the two coasts, were more adversely affected than others.²¹ Poor job placement, in turn, triggered substantial drops in the rankings of a number of law schools.²² Some schools responded by directly or indirectly funding the hiring of their own recent law graduates to assist them economically and professionally as well as to boost their employment numbers and avoid drops in the *U.S. News* rankings. That approach generated considerable controversy, with law schools that funded large employment programs of this type subject to harsh criticism.²³

Although the critics in venomous tones denounce the role of law schools in the “crisis” of legal education, other knowledgeable observers contend that such cries are greatly exaggerated.²⁴ Still, they generally admit that change is occurring in the legal marketplace and, as a necessary consequence, law schools must respond. Some commentators characterize the changes as

²¹ See Nathalie Pierrepont, *Deans Say U.S. News Rankings Penalize Schools in the Golden State*, THE RECORDER (San Francisco), Mar. 12, 2014, available at http://m.therecorder.com/#/article/1202646695175/Deans%20Say%20US%20News%20Rankings%20Penalize%20Schools%20in%20the%20Golden%20State?mcode=0&curindex=0&curpage=ALL&_almReferrer=http%3F%2Ftaxprof.typepad.com%2Ftaxprof_blog%2F2014%2F03%2Fcalifornia-law.html.

²² See Jason Song, *Faced with Job Complaints, Loyola Law School Accepting Fewer Students*, L.A. TIMES, Aug. 19, 2013.

²³ See Ogechi Achulco, *The Blame Game: Law Students Sue Their Schools for Deceptive Employment Reporting Practices*, 20 VA. J. SOC. POL’Y 517 (2013).

²⁴ See, e.g., Alfred S. Konefsy & Barry Sullivan, *In This the Winter of Our Discontent: Legal Practice, Legal Education, and the Culture of Distrust*, 62 BUFF. L. REV. 659 (2014); Sheldon Krantz & Michael Millemann, *Legal Education in Transition: Trends and Their Implications*, 94 NEB. L. REV. 1 (2015); Erwin Chemerinsky & Carrie Menkel-Meadow, *Don’t Skimp on Legal Training*, N.Y. TIMES, Apr. 15, 2014; Michael A. Olivas, *A Personal Reflection on Law Teaching, or How I Became an Establishment Insider on the Outside*, RADICAL TEACHER, June 22, 2014, at 34(9).

contributing to the creation of a “new normal” in legal education.²⁵ I, for one, am not quite sure what the “new normal” is quite yet. Nonetheless, I, along with many others, hope for a more stable and predictable law school marketplace.

In important respects, the economics of legal education had been placed into question well before the most recent economic downturn. Some high profile failures of large national law firms attracted the undivided attention of private legal employers and, specifically (and understandably), to their profitability as business enterprises.²⁶ As one would expect of businesses in a highly competitive global marketplace, law firms responded in short order. One of the first steps taken by many firms was cost-cutting.

One popular law firm cost-cutting measure directly affected law schools. With economic imperatives contributing to a greater emphasis on the bottom line, law firms were not as willing as they had been in the past to invest in the training of entry level attorneys. Legal employers instead demanded that law schools transform legal education. They specifically demanded that law schools offer more skills training courses, clinical programs, and externships and move away from the traditional form of large classroom instruction.²⁷ (To further reduce training costs, law firms also moved toward the hiring of experienced attorneys rather than recent law school

²⁵ See, e.g., Peter C. Alexander, *Law School Deans and “The New Normal”*, 46 U. TOL. L. REV. 251 (2015); Courtney G. Lee, *Changing Gears to Meet the “New Normal” in Legal Education*, 53 DUQ. L. REV. 39 (2015).

²⁶ See, e.g., Peter Lattman, *Dewey & LeBouef Files for Bankruptcy*, N.Y. TIMES, May 28, 2012; Tom Abate & Andrew S. Ross, *Heller Ehrman Law Firm to Dissolve Friday*, S.F. CHRON., Sept. 26, 2008; Jonathan Glater, *West Coast Law Firm Closing After Dot-Com Collapse*, N.Y. TIMES, Jan. 31, 2003.

²⁷ See *infra* text accompanying notes ____.

graduates.).²⁸ Thus, to reduce costs of training new attorneys, law firms demanded that law schools change legal education and produce more practice-ready law graduates.

Even if fueled in large part by the invisible hand of the market, some of the legal profession's demands for greater experiential learning frequently were framed as a way to remedy the alleged deficiencies in modern legal education.²⁹ Right or wrong, law schools responded. They devoted greater resources to experiential learning and efforts to modernize the law school curriculum. Besides responding to external pressure, many schools viewed the changes as consistent with evolving views about the most effective form of legal education.³⁰ However, clinical and skills training classes tend to require smaller student-faculty ratios, which translates into increased out-of-pocket costs.³¹ Additional offerings of clinical legal education, skills training, and other forms of experiential learning, thus, placed additional strains on already-tight law school budgets.

A much less publicized concern with legal education involves the lack of racial and other diversity of the students attending law schools and ultimately entering the legal profession. The relative lack of law faculty diversity is a related concern. Although many observers roundly criticized the so-called "crisis" in law school economics, few critics characterized the lack of

²⁸ John Zappe, *Nation's Law Firms Shift Focus to Lateral Hiring*, ERE MEDIA, Dec. 19, 2013, available at <http://www.ere-media.com/fordyce/nations-law-firms-shift-focus-to-lateral-hiring/>.

²⁹ See REPORT AND RECOMMENDATIONS, AMERICAN BAR ASSOCIATION TASK FORCE ON THE FUTURE OF THE LEGAL EDUCATION 3 (Jan. 2014), available at http://www.americanbar.org/content/dam/aba/administrative/professional_responsibility/report_and_recommendations_of_aba_task_force.authcheckdam.pdf.

³⁰ See Martin J. Katz, *Facilitating Better Law Teaching – Now*, 62 EMORY L.J. 823 (2013) (identifying possible ways of improving law teaching).

³¹ See *infra* text accompanying notes __.

diversity among law students and faculty in similar crisis terms. At the same time, students regularly protest incidents that remind us all of the lack of diversity of many, if not most, law schools.³² Established years ago, race-conscious affirmative action programs, the future of which are in question, were designed to promote student diversity,³³ but have had limited impacts in achieving that goal. Employers chimed in, sporadically demanding that law schools produce a more racially-diverse cohort of graduates.³⁴ At the same time, the large, prestigious law firms, often referred to as Big Law, have tended to restrict hiring to graduates in the top 10 percent, which is, generally speaking, the least diverse part of many law school classes.³⁵

In my estimation, the lack of a truly diverse student body at many law schools dwarfs the other maladies of legal education that have been proclaimed to have reached “crisis” proportions. True, changes in the marketplace will require adjustments sooner rather than later to ensure the stabilization of law school budgets and the survival of law schools. However, the longstanding lack of diversity among students threatens to negatively affect the long term future of the entire profession – and the literal face of the legal profession for generations. Moreover, the lack of diversity among law school faculties means that the current generation of law students (like all

³² See, e.g., Steve Annear & Laura Krantz, *Harvard Police Call Defaced Portraits of Blacks a “Hate Crime”*: Tape Found on Faculty’s Photos at Law School, BOSTON GLOBE, Nov. 20, 2015, at B3.

³³ See *Fisher v. University of Texas*, 133 S. Ct. 2411, 2417-19 (2013); *Grutter v. Bollinger*, 539 U.S. 306, 333-35 (2003).

³⁴ See Peter Lattman, *Clients Demand Diversity at Law Firms*, WALL ST. J. BLOG, Dec. 28, 2006.

³⁵ See *infra* Part III.A.

previous generations) will be taught by faculties that remain relatively homogenous, which knowledgeable observers view as far from ideal and indeed deeply problematic.³⁶

Another deep-and-enduring concern of students also has generally been ignored by the commentators alleging that law schools face a “crisis” of epic proportions. Many generations of law students have consistently demanded a more humane, if not a “kinder, gentler,” and more student-friendly, legal education. Rising fees appear to have contributed to the frequency of these demands, or at least in the willingness of students to aggressively make them. Along these lines, students today demand more from law schools, including additional academic support, career counseling, mental health programs, and much more. Such services may assist students in adjusting in a healthy fashion to the stresses of legal education as well as more effectively compete for employment in the intensely competitive legal job market. Whatever the many benefits of such reforms, they cost money to implement. The increased costs, in turn, have added to law school budgetary woes.

I. THE “CRISIS” IN LEGAL EDUCATION

The much-discussed “crisis” in legal education generally tends to center on a great many concerns with its economic costs, benefits, and outputs. Central to the concerns are tuition, which has increased substantially in recent years.³⁷ As a result, the debtloads of recent graduates have grown as well.³⁸

³⁶ See *infra* text accompanying notes ____.

³⁷ See *supra* note __ (citing authority).

³⁸ See *supra* note __ (citing authority).

When the global recession hit hard in 2008, the legal job market tightened significantly.³⁹ Attorney layoffs were common. Law firms dramatically reduced hiring, with the some even freezing altering hiring. Recovery in the legal job market has been slow yet ongoing.⁴⁰ Despite the steady rebound in legal jobs, few informed observers expect the job market to return soon, if ever, to the robust pre-2008 legal employment levels.

Not surprisingly, in response to the soft employment market and tuition increases, law school applications have experienced a breathtaking decline over the last decade.⁴¹

A. *Skills Training*

One specific aspect of the law firm response to the modern economic marketplace has directly impacted law schools. In the past, legal employers have generally invested in the training of new lawyers. Economic pressures on law firms reduced the commitment of law firms to devote resources to training. To replace that training, law firms and the organized bar have increasingly demanded that law schools provide practical, hands-on skills training to students.⁴² Without expressly saying so, legal employers have successfully shifted to law schools the costs for the training that they previously had provided.⁴³ By so doing, law firms in fact have helped to fuel a major change in legal education – the rise of experiential learning. It also is one spurred on in no small part by tightening law firm economics.

³⁹ See Douglas-Gabriel, *supra* note ____.

⁴⁰ See Mark Hansen, *Job Market Limbo: Employment Picture for Law Grads Looks Pretty Much the Same as a Year Ago — For Better or Worse*, ABA J., June 2013, at 62.

⁴¹ See *supra* text accompanying notes ____.

⁴² See *infra* text accompanying notes ____.

⁴³ See *supra* text accompanying notes ____.

B. *Declining Applications*

Much of the analysis of the so-called crisis in legal education has focused almost exclusively on its economics. To a certain extent, that focus is understandable. Over the last few decades, the market for attorneys has undergone substantial restructuring due to globalization and technological innovation. The global recession resulted in an exceedingly tight job market for attorneys.

The contracting market for legal employment discouraged many prospective applicants from applying to law schools. Tuition hikes also have placed downward pressures on the demand for a legal education and contributed further to the decline in applications.⁴⁴ As an economist would predict, market changes have had ripple effects on the economics of legal education and led to the decline in demand for a law degree, as seen through the sustained and dramatic drops in law school applications.⁴⁵

In an attempt to avoid declines in the *U.S. News* rankings, law schools have vigorously competed for highly qualified applicants, who in raw numbers have been in dramatic decline with the rapid drop in law schools applications. A most-sought after group of applicants is those who will help maintain, if not boost, a law school's *U.S. News* ranking. As one might expect, law schools responded to the pressures in the marketplace for applicants.⁴⁶ This generally translated into heightened competition for students with high LSAT scores, which tends to be a

⁴⁴ See Ethan Bronner, *Law Schools' Applications Fall as Costs Rise and Jobs Are Cut*, N.Y. TIMES, Jan. 30, 2013.

⁴⁵ See *supra* text accompanying notes ____.

⁴⁶ See Leo P. Martínez, *Legal Education in a Modern World: Evolution at Work*, 8 CHARLESTON L. REV. 267 (2015) (analyzing the modern evolution of legal education).

particularly undiverse cohort of students. Competition for highly-qualified students took the form of substantially increased spending on scholarships and financial aid, which one law dean characterized as an “arms race.”⁴⁷ Greater student financial assistance, in turn, increased costs and stretched already tight law budgets. And the focus on students with high LSAT tended to have a negative impact on student diversity, which already was a problem at many law schools.⁴⁸

Some law schools also decreased class sizes to maintain the numerical quality of their student bodies and maintain their place in the *U.S. News* rankings. That, in turn, meant a decrease in revenues and tighter budgets.

C. *Cost Cutting and Revenue Generation*

Although not encompassing the full range of challenges facing legal education,⁴⁹ the much-discussed economic “crisis” has had concrete, and substantial, impacts on ordinary law school operations. Scrambling to remain financially viable, law schools have taken aggressive steps to address budgetary shortfalls.

Cost cutting was the first step for many law schools. To that end, some schools have bought out senior faculty and encouraged retirements and other departures.⁵⁰ In addition, a number of law schools have cut faculty salaries.⁵¹ Consistent with efforts to reduce the size of

⁴⁷ Margaret Loftus, *Drop in Applications Spurs Changes at Law Schools*, U.S. NEWS & WORLD REPORT, Mar. 11, 2015 (quoting Northwestern law school dean Dan Rodriguez).

⁴⁸ *See infra* Part III.A.

⁴⁹ *See infra* Part III.

⁵⁰ *See* Ashby Jones & Jennifer Smith, *Amid Falling Enrollment, Law Schools are Cutting Faculty*, WALL ST. J., July 15, 2013.

⁵¹ *See, e.g.*, Jacob Gershman, *After Slashing Tuition, Pace Law Slashes Faculty Pay*, WALL ST. J. BLOG, May 15, 2015.

existing faculties, law schools hired fewer new faculty. As a result, law faculty hiring dramatically declined nationally in the last few years.⁵² Significant staff reductions have occurred as well as faculty reductions.⁵³

As a consequence of reductions in the size of law faculties, some law schools might resort to increasing the average teaching loads for faculty members.⁵⁴

Law schools also have looked to ways to generate additional revenues. One area of growth — and revenue generation — was the size of foreign LL.M. programs.⁵⁵ The increase in foreign students has subtly changed the character of American law schools and the experiences of faculty and students. Globalization has directly impacted law schools. Ultimately, the transformation may be a net positive for the legal education of all students at American law schools. Law schools now are more global than they once were. However, changes have required adaptation by law schools, including but not limited to increased academic support and improved career services counseling, for LL.M. students.

Changes in legal education continue. Some law schools ultimately may not survive the changed marketplace for legal education.⁵⁶ The market has spoken and changes will likely continue. This is precisely what one would expect. The evolving marketplace, however, does not make the adjustments to change any easier — budgetarily and otherwise — for law schools,

⁵² See Karen Sloan, *Law Prof Jobs Drying Up*, NAT'L L.J., Sept. 7, 2015.

⁵³ See Bronner, *supra* note ____.

⁵⁴ See TAMANAHA, *supra* note ____, at 172.

⁵⁵ See Karen Sloan, “Cash Cow” or Valuable Credential? Law Schools Add LL.M. Programs But Their Value May be Limited, NAT'L L.J., Sept. 20, 2010.

⁵⁶ See *supra* text accompanying note ____.

faculty, students, and staff. Nonetheless, the pressures for change have been increasing, a development that shows few signs of abating anytime soon. Law schools continue to implement changes and the search for answers.

II. CHANGES IN LEGAL EDUCATION IN RESPONSE TO THE “CRISIS”

Over many generations, volumes have been written about the need to improve the delivery of legal education.⁵⁷ Practical skills training, clinical legal education, and increased use of externships represent some of the reforms to legal education that have been in the ascendance in the contemporary era. Innovation in legal education in these and other ways has slowly but surely moved the educational experience for law students to a place that is light years away from the once-standard Socratic questioning of students in large classes. Because of the many changes, the architect of the traditional model of delivery of legal education, Christopher Columbus Langdell,⁵⁸ would be hard-pressed to recognize – and likely would be shocked to see – the law school of the 21st century.

The transformation of legal education has had budgetary consequences. Clinical legal education and skills training tend to require lower student/faculty ratios. Such educational delivery therefore tends to be more expensive for law schools to provide to students than the large traditional large lecture-style classes. “While skills training necessarily requires small classes and is inevitably expensive, live-client clinical representation under some models limits

⁵⁷ See Michelle J. Anderson, *Legal Education Reform, Diversity and Access to Justice*, 61 RUTGERS L. REV. 1011, 1021-22 (2009) (reviewing various reports on the need to reform legal education).

⁵⁸ See Russell L. Weaver, *Langdell’s Legacy: Living with the Case Method*, 36 VILL. L. REV. 517 (1991).

teachers to supervision of no more than four or five students per semester, making such courses nearly four times as expensive to staff as simulation-medium classes that focus on teaching similar skills.”⁵⁹ That is not to suggest that experiential learning as a whole does not provide concrete educational and other benefits. Indeed, I generally count myself as a full-fledged supporter of clinical legal education, skills training, and other forms of experiential learning.⁶⁰

My point here is not to suggest in the least that the contemporary changes in the methods of delivery of legal education are pedagogically unsound. To the contrary, my firm sense is that they generally have improved legal education and enhanced the student experience and satisfaction. Experiential learning also has responded to the demands of legal employers. My hope here is to direct attention to the fact that the increase in experiential learning offerings has added to the cost pressures on providing a legal education to students. In taking the necessary steps to modernize legal education, law school budgets have been forced to account – to pay – for the increased costs of delivering experiential learning.

The American Bar Association (ABA), which participates with the Association of American Law Schools in the regulation and accreditation of law schools, and many state bar associations have enthusiastically jumped on the band-wagon for mandatory practical skills

⁵⁹ Richard W. Bourne, *The Coming Crash in Legal Education: How We Got Here, and Where We Go Now*, 45 CREIGHTON L. REV. 651, 693 (2012).

Some knowledgeable commentators dispute the assertion that experiential learning costs more than traditional law classes. See Martin J. Katz, *Understanding the Costs of Experiential Learning*, 1 J. EXPERIENTIAL LEARNING 28 (2014); Robert R. Kuehn, *Pricing Clinical Legal Education*, 92 DEN. U.L. REV. 1 (2014).

⁶⁰ I have previously analyzed the benefits, educational and otherwise, of clinical legal education programs at UC Davis School of Law. See Kevin R. Johnson & Amagda Pérez, *Clinical Legal Education and the U.C. Davis Immigration Law Clinic: Putting Theory into Practice and Practice into Theory*, 51 SMU L. REV. 1423 (1998).

training. They in effect have sought to make experiential learning a required part of the legal education of every law student.⁶¹

Moreover, in response to critics of the costs of legal education and the alleged lack of accurate employment information for students and prospective students, the ABA has required law schools to make available increasingly detailed career placement information about their graduates.⁶² Such information has no doubt proven helpful to applicants and students as they make all-important educational and career decisions, and, in certain circumstances, select a law school.

Practical skills training can tangibly improve the legal education of students. In addition, it arguably can help students land jobs in an increasingly competitive job market.⁶³ Moreover, training in the skills of lawyering can educate students about their own personal strengths and weaknesses. That self-awareness, in turn, can help students make more-informed educated judgments about the appropriate direction for their legal careers and hopefully lead them to pursue more satisfying and fulfilling careers.

Legal employers stand to benefit as well from the increased availability of skills training for students in law school. They are able to hire graduates more prepared for the contemporary

⁶¹ See, e.g., AMERICAN BAR ASS'N, REPORT AND RECOMMENDATIONS AMERICAN BAR ASS'N TASK FORCE ON THE FUTURE OF LEGAL EDUCATION (Jan. 2014), available at <http://perma.cc/4MBH-VK9P>; Board of Trustees Approves Competency Skills Training Requirement, CAL. BAR. J. (Dec. 2014), available at <http://perma.unl.edu/D632-XH8G>; Don J. DeBenedictis, *State Bar Panel Adopts Plan to Require Law Students Have Skills Training Before Admission*, DAILY J. (June 12, 2013).

⁶² See David Yellen, *Advancing Transparency in Law School: The ABA's New Standard 509*, BAR EXAMINER, Dec. 2012, at 6.

⁶³ It has been questioned, however, whether experiential learning in fact improves employment outcomes for law graduates. See Jason Webb Yackee, *Does Experiential Learning Improve Employment Outcomes?*, 2015 WIS. L. REV. 601.

practice of law. At the same time, employers have reduced the costs to law firms in training new attorneys.

It should be self-evident that the increase in the teaching of skills has not immunized recent law graduates – as well as practicing attorneys – from the fluctuations in the legal job market, which necessarily expands and contracts with the general national and global economies. To be clear, the recent sharp decline in the employment prospects for recent law graduates brought on by the Great Recession can hardly be blamed on the lack of availability of practical skills training of law students or some other deficiency in legal pedagogy. In fact, that training is – and long has been – available at a great many law schools. Moreover, the availability of experiential learning programs has increased significantly in recent years. Nonetheless, skills training or no skills training, today’s law graduates face a challenging and highly competitive job market, with fewer jobs and increasing competition for the ones that are available. Put simply, experiential learning is not the magic bullet to the job placement of law graduates. Nor can it be reasonably expected to immunize law graduates from the vagaries of the job market.

III. MISSING IN ACTION FROM THE DISCUSSION OF THE CRISIS IN LEGAL EDUCATION: DIVERSITY IN LAW SCHOOLS AND THE LEGAL PROFESSION AND STUDENT WELLNESS

The so-called crisis in the economics of legal education has dramatically overshadowed a variety of other serious challenges facing law schools and the legal profession. Those challenges merit our full attention.

A. Diversity of Students and Faculty

The problems of legal education and the profession go well beyond the hard economic ones focused on by commentators who have proclaimed with great enthusiasm that law schools are in crisis. The problems include but are in no way limited to, the relative lack of diversity among law students, faculty, and attorneys, limited access to legal services and justice for the poor and middle-income people, and limited public service jobs for law graduates, and the negative impacts of legal education on students of color.⁶⁴ I could go on.

Importantly, the lack of diversity among students and faculty has often fallen by the wayside in the critiques of legal education and the repeated assertions about the “crisis” afflicting law schools. In discussing the crisis ad nauseam, few commentators focus on the lack of diversity in legal education, which has been a persistent and unchanging problem. Few knowledgeable observers, however, would dispute that a diverse student body and faculty are critically important ingredients to the training of attorneys for an increasingly diverse society of the 21st century.⁶⁵ Similarly, few would dispute that much more remains to be done to increase diversity in law schools.

Evidence shows that the increase in student debtloads – a focus of many of the critics of legal education – disproportionately affects underrepresented minorities, namely African American and Latina/o students.⁶⁶ In part, this results from the fact that law schools compete for

⁶⁴ See Sheila I. Velez Martínez, *Foreword SNX 2014: Challenges to Justice Education: South-North Perspectives*, 9 CHARLESTON L. REV. 213, 216-20 (2015).

⁶⁵ See generally Kevin R. Johnson, *The Importance of Student and Faculty Diversity at Law Schools: One Dean’s Perspective*, 96 IOWA L. REV. 1549 (2011) (analyzing the importance of faculty and student diversity to a modern American legal education).

⁶⁶ See LAW SCHOOL SURVEY OF STUDENT ENGAGEMENT, HOW A DECADE OF DEBT CHANGED THE LAW STUDENT EXPERIENCE (2015), available at <http://lawprofessors.typepad.com/files/lssse-annual-report-2015.pdf>; Karen Sloan, *Law Student Debt and Stress Levels on the Rise, Survey Finds*, NAT’L L.J., Feb. 29, 2016.

applicants with high LSAT scores with scholarship dollars.⁶⁷ The racially disparate impacts of this troubling development tend to be buried, and generally ignored, in the discussion of the law school economic crisis. Still, these impacts represent a real concern that deserve our undivided attention.

Faculty diversity also benefits the education of law students. It unfortunately has long been largely absent at many law schools. We at UC Davis are fortunate to have built a majority/minority law faculty, about half of whom are women. The transformation represented a radical departure from the all-white, male-dominated faculty in place in 1989. Diversification took a conscious effort and decades to achieve.⁶⁸ Most modern law school faculties, however, are considerably less diverse than UC Davis. With faculty hiring on the decline due to tight budgets at law schools,⁶⁹ the diversity of law school faculties is unlikely to change substantially in the foreseeable future.

Sad to say, law schools are not much more diverse with respect to students and faculty than they were a generation ago. As a result, despite dramatic changes in the demographics of the United States in the last 50 years, the legal profession is racially little different from what it was 50 years ago.⁷⁰ Put differently, the diversity gap has grown over time as society has grown

⁶⁷ See *supra* text accompanying notes ____.

⁶⁸ See Kevin R. Johnson & Madhavi Sunder, *How We Built a Majority/Minority Faculty at UC Davis School of Law*, unpublished draft dated Apr. 2016.

⁶⁹ See *supra* text accompanying notes ____.

⁷⁰ See Elizabeth Olson, *Little Progress*, N.Y. TIMES, Nov. 20, 2013, at B5 (“Women and blacks have made almost no headway in recent years in increasing their ranks at major United States law firms. . . .”). Given that women are well-represented in law schools across the country, it is difficult to see how the relative dearth of women at law firms can somehow be attributed to law schools. Women of color are especially scarce in law firms. See Liane Jackson, *Invisible Then Gone*, ABA J., Mar. 2016, at 36.

more diverse and the legal profession has remained relatively static. Some quarters have registered complaints about the diversity status quo. However, relatively few of the most vocal contemporary critics of legal education have characterized the lack of diversity in law schools as part of the crisis of legal education. I, for one, think that it is. Unfortunately, for this specific crisis, there does not seem to be any end in sight.

Some legal employers, in no small part due to pressures from clients, have demanded greater diversity among attorneys.⁷¹ Again, effectively addressing the lack of diversity implicates increased costs. Who will pay for efforts to achieve greater law school diversity? Specifically, how will the costs be covered for pipeline programs designed to bring greater diversity to the law school applicant pool? Where will the resources come from that are necessary to provide the financial assistance to minorities and socioeconomically disadvantaged students who meet the requirements for law school admission? Even if one accepts that there may be concrete and real benefits to increased racial and other diversity among law students, these are substantial costs that cannot be ignored at a time when many law school budgets are stretched razor-thin and many law schools have been operating in the red for a number of years.

Law schools are often asked – indeed, extolled – to do more to increase and improve the “pipeline” of minorities into law schools and the legal profession. Some law schools are making aggressive efforts to do precisely that. But we again find ourselves in an economic conundrum in which everyone seems to want something more out of law schools. Unfortunately, little attention is paid to how law schools will bear the substantial costs of pipeline programs and other diversity outreach efforts. In a time of budgetary belt-tightening, paying for programs that are

⁷¹ See Lattman, *supra* note ____; Douglas E. Brayley & Eric S. Nguyen, *A Market-Based Argument for Law Firm Diversity*, 34 J. LEGAL PROF. 1 (2009).

designed to enhance the diversity of law schools, and ultimately the legal profession, is no small feat. Using student tuition to pay for diversity programs seems unfair. That is not to suggest that such programs are not necessary and essential, which is a position that I most definitely do not embrace.

Many informed observers generally value diverse student bodies and law faculties. For that reason, law school accreditation agencies devote some attention to diversity.⁷² However, the crisis of a lack of diversity has not attracted the popular attention and the concentrated demands for reform that the challenging economics of legal education have. Thus, although law schools have been pressured to supply more data about employment outcomes and to improve bar passage rates, for example, relatively little has been said about the lack of student and faculty diversity. No popular blogs are devoted to diversity concerns, unlike the ones that exist that focus on job placement, increasing student loan debtloads, and tuition.⁷³

Indeed, even relatively minor reforms that might encourage law schools to diversify student bodies and faculties have not been adopted. For example, proposals to integrate the diversity of students and faculty into the *U.S. News* rankings of law schools, which one would expect to increase incentives to, and pressure on, law schools to diversify, have met formidable

⁷² See Section of the Legal Educ. and Admissions to the Bar, Am. Bar Ass'n, *The Law School Accreditation Process 3* (2010), available at http://www.abanet.org/legaled/resources/13665_ABA_accred_web150.pdf, available at Feb. 7, 2010).

⁷³ See, e.g., *Law School Transparency*, available at <http://www.lawschooltransparency.com/>; *Inside the Law School Scam*, available at <http://insidethelawschoolscam.blogspot.com/>.

resistance.⁷⁴ The rankings do not consider diversity. Put simply, proposed reforms, generally speaking, have fallen on deaf ears.

B. *Law School Climate and Student Wellness*

Students long have complained about the unwelcoming, unforgiving climate of law schools and their lack of community and basic civility. Films such as the iconic *The Paper Chase*⁷⁵ depict the anomie experienced by many law students engaged in the rigorous study of law and the unfeeling nature of law school. Law schools to some degree have responded to the concerns incrementally.⁷⁶ For the most part, however, legal education has turned a cold shoulder to widespread student alienation. Generally speaking, law schools have more or less continued to adhere to the time-worn “sink or swim” approach to students that historically has been the norm in legal education. Put simply, the dissatisfaction of students with modern legal education are often minimized, if not simply ignored.⁷⁷ And that is not something that directly factors into the *U.S. News* rankings.

Along these lines, there is a quieter set of changes occurring as the marketplace for law students has become increasingly competitive. Legal education has seen changing sensibilities about what traditionally had been the hands-off approach historically taken by law schools

⁷⁴ See Johnson, *supra* note __, at 1572-78.

⁷⁵ *The Paper Chase* (20th Century Fox, 1973).

⁷⁶ See, e.g., Press Release, Harvard Law Sch., *HLS Faculty Unanimously Approves First-Year Curricular Reform* (Oct. 6, 2006) (announcing reform of first year curriculum at Harvard Law School), available at http://www.law.harvard.edu/news/2006/10/06_curriculum.php.

⁷⁷ See Kevin R. Johnson, *The Forgotten Constituency?: Law School Deans and Students*, 42 U. TOL. L. REV. 637 (2011) (discussing how the concerns of law students often are not the primary focus of law school administrators).

toward the well-being of students. Students today demand much more out of law schools than they traditionally have provided. The demands stem in no small part from the fact that students pay more to attend law school today than in the past. Students frequently consider themselves as consumers of legal education that possess market power. They can, and do, demand more from law schools.

However, the student push for increased services is motivated by much more than merely monetary concerns. Students, for example, are demanding improved and expanded academic support (which in turn is linked to bar passage rates, with rankings and job placement consequences), counseling for stress and anxiety, and similar support services. Despite the positive contribution of such programs to the student experience, they cost money and place strains on already strapped law school budgets.

Some law schools have begun to respond to concerns about climate and a lack of support for students. At UC Davis School of Law, we have attempted to respond to student concerns⁷⁸ with, among other changes, a “Student Wellness Initiative,” which includes programming to educate students about healthy ways of coping with stress, as well as meaningful education about substance abuse (well-known as being a widespread problem in the legal profession)⁷⁹ and issues of professionalism generally. UC Davis will soon add an on-site trained counselor at the law

⁷⁸ See Celestial S.D. Cassman & Lisa R. Pruitt, *A Kinder, Gentler Law School? Race, Ethnicity, Gender, and Legal Education at King Hall*, 38 U.C. DAVIS L. REV. 1209 (2005) (analyzing results of survey on student experiences at UC Davis School of Law).

⁷⁹ See Patrick R. Krill, Ryan Johnson, & Linda Albert, *The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys*, 10 J. ADDICTION MED. 46 (2016). On the general unhappiness of lawyers, see Peter H. Huang & Rick Swedloff, *Authentic Happiness & Meaning at Law Firms*, 58 SYRACUSE L. REV. 335 (2008); Patrick J. Schiltz, *On Being a Happy, Healthy, and Ethical Member of an Unhappy, Unhealthy, and Unethical Profession*, 52 VAND. L. REV. 871, 874-81 (1994).

school with the hope of assisting law students in adjusting to the rigors of law school life, coping with the stresses and strains of a legal education, and generally attempting to address student mental health issues.⁸⁰

In sum, student concerns with the non-economic aspects of legal education have not generally factored to any substantial degree into the widespread concern with the “crisis” in law schools. That is quite unfortunate. The criticisms of the students are real, well-known, and longstanding. Relatively minor reforms can go a long way. They have been ignored for far too long.

CONCLUSION

Legal education is slowly but surely responding to external and internal pressures. Law schools are changing. That is precisely as it should be.

Some of the reforms to legal education have been encouraged, if not mandated, by changes in the contemporary legal marketplace. Put differently, change has in part been driven by hard economic realities and efforts to make graduates more competitive in the legal employment market. *U.S. News* rankings concerns also have influenced significant changes in legal education.

At the same time, the increased law school commitment to clinical legal education, practical skills training, and externships in no small part represents responses to changing views about how legal education is best delivered and what is best in terms of learning outcomes.

⁸⁰ See YALE LAW SCHOOL MENTAL HEALTH ALLIANCE, FALLING THROUGH THE CRACKS: A REPORT ON MENTAL HEALTH AT YALE LAW SCHOOL (Dec. 2014).

Experiential learning, which at one time was on the cutting edge of legal pedagogy, is now more or less mainstream and a core component of most law school curricula.

The changes in the legal marketplace and the delivery of legal education have placed ever-increasing budgetary pressures on law schools. It seems that everyone wants more out of law schools for less. Nobody wants to pay for the responses to the added demands placed on law schools by students and the legal profession. Ultimately, the all-important question is how to pay for the changes that bring forth improvements for students and the legal profession.

Unfortunately, diversity among students and faculty is often an afterthought in the debates about the future of legal education. Still, it is an important issue that should not be lost in the economic shuffle. Diversity is important, both economically and otherwise. Besides the concrete educational benefits to all students of a more diverse student body and faculty, efforts to increase diversity are the right thing to do. Attention therefore should be paid to how to best ensure that adequate incentives exist for law schools to strive to produce lawyers that reflect the rich diversity of contemporary American society. The legal profession and other institutions can act to ensure that economic and other support exists for law schools to achieve the related goals of enrolling and retaining diverse student bodies and hiring and retaining faculty members from a diversity of backgrounds.

Moreover, law schools must strive to do more for students in areas that are more difficult to assess in dollars-and-cents terms. Programs that seek to improve the student experience and the learning climate of law schools are long overdue. At a bare minimum, law schools owe an

obligation to students to ensure that they are educated on how to be effective and healthy legal professionals.⁸¹

In a time of rapid change, law schools have a unique opportunity to revamp legal education and improve the lives of law students before and after law school. The economics of legal education, of course, must be attended to in the changing legal marketplace. At the same time, however, law schools should not ignore the less quantifiable concerns of students and the legal profession. With the ferment in legal education, now is an ideal time to strive to make law schools more humane and better reflect the best of American society.

As we move forward in reforming legal education, I, for one, remain optimistic about the future and the ability of law schools, with the assistance and support of the legal profession, to address the many challenges facing legal education. That said, change will not be easy. But whether we like it or not, change will come. In responding to the inevitable pressures for change, law schools should strive to shape the future and their collective destiny.

⁸¹ See Brittany Stringfellow Otey, *Buffering Burnout: Preparing the Online Generation for the Occupational Hazards of the Legal Profession*, 24 S. CAL. INTERDIS. L.J. 147 (2015).