

COMMENT RE: THE FUTURE OF LEGAL EDUCATION

Submitted to Art Garwin, Deputy Director, Center for Professional Responsibility, American Bar Association

Submitted by [Educating Tomorrow's Lawyers](#), an initiative of IAALS, the Institute for the Advancement of the American Legal System at the University of Denver

Educating Tomorrow's Lawyers (ETL) leverages the work of law schools and professors committed to legal education reform to align legal education with the needs of an evolving profession. Launched in August 2011, ETL provides a supported platform to promote collaboration among law schools and legal educators; convenes a diverse group of stakeholders to address the challenges, including educators, deans, practitioners, and judges; evaluates the efficacy of teaching strategies; and promotes implementation of effective teaching strategies nationwide.

IAALS, the Institute for the Advancement of the American Legal System at the University of Denver, is a national, independent research center dedicated to continuous improvement of the process and culture of the civil justice system. *Educating Tomorrow's Lawyers* is one of four initiatives IAALS prioritizes to support an accessible, efficient, and accountable civil justice system that inspires trust from those it serves.

OVERVIEW

The American Bar Association Task Force on the Future of the Legal Education has requested comments and suggestions about the future of legal education. Of course, there is not just one answer to the challenge now facing law schools, legal education, and the profession today. Indeed, there is not even just one challenge. In recent years, we have seen shifts in the job market for recent graduates, increases in tuition and student debt load, and challenges to the effectiveness and value of a modern legal education. Reporters, bloggers, recent law graduates, and practitioners have publicly flogged law schools for their perceived failure to respond to these challenges in a meaningful way.



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It seems that at least some people—notably prospective students—are listening. Last week, the [New York Times reported](#) that law schools are bracing themselves for a dramatic drop in law school applications. There are likely to be 54,000 applicants this year, marking a 20% decrease from last year and a 38% decrease from 2010.

These numbers are disheartening for law schools and others in the profession, but they also create an opportunity for schools and a governing body like the American Bar Association to take a hard look at the legal education we have—and at the legal education we need to support sustainability for our profession, for our legal system and for the role of lawyers in society.

Thankfully, we need not start from scratch. At *Educating Tomorrow's Lawyers*, we focus on innovations in legal education to improve the efficacy and value of a modern legal education—not just for the students, but for the system and clients they will serve upon graduation. Many schools and professors have already started down this path and their strategic plans, courses, and curricula give us a foundation on which to build.

PUTTING KNOWLEDGE INTO PRACTICE

Educating Tomorrow's Lawyers launched in 2011 using the recommendations of [Educating Lawyers](#) (the Carnegie Report) as a platform upon which build and improve new approaches to teaching. The Carnegie model of legal education supports courses and curricula that integrate three sets of values or “apprenticeships:” knowledge, practice and professionalism.

The Carnegie recommendations grew out of an academic evolution in adult learning theory, which suggests that adults learn experientially and in context, and that the theory of law, the practice of law, and the development of professional identity should be taught together, with each supporting the other.

Educating Tomorrow's Lawyers seeks to align legal education with the needs of an evolving profession by advancing the quality of legal education through experimentation and shared innovation. By collaborating with legal educators, law school administrators, practitioners, judges, and consultants, it is also working to provide assessment tools to evaluate existing teaching strategies and student outcomes.

A CONSORTIUM FOR COLLABORATIVE CHANGE

Educating Tomorrow's Lawyers is building not just a group of like-minded professors, but also a Consortium of law schools committed to innovation in legal education and collaboration. Our Consortium crosses all geographic and rating boundaries and verifies that change is not limited to any one kind of school but rather can be implemented across schools to fundamentally change the way we educate lawyers.



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The Consortium, which currently has 27 law schools (Appendix A), represents a diverse group of schools with different histories, traditions, and rankings but they all agree on at least two things: legal education must evolve to meet the current needs of students, clients and the profession, and deep, structural change requires institutional commitments from schools, administrators, and faculties.

In September 2012, 21 Consortium schools sent representatives to ETL's first conference, "The Development of Professional Identity in Legal Education: Rethinking Learning and Assessment." The conference sought collaboration among schools to identify best practices for forming professional identity, required schools to shared examples of their programs and curricula that support professional development, and fostered new ideas and approaches that representatives could take back to their schools.

COURSE PORTFOLIOS: ONE CLASSROOM AT A TIME

Throughout the country, many law professors who may or may not be teaching at Consortium schools are promoting progress by changing the one thing over which they have immediate control: their classrooms. *Educating Tomorrow's Lawyers* gives these professors a platform to share their methods with other legal educators who are interested in adopting new teaching strategies.

The ETL website currently features 15 course portfolios. Each includes a description, course design, teaching methods, recommendations, outcomes, course materials, and videos of the teaching professors and, often, students who have taken the courses. Two examples follow:



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HEALTH AND ELDER LAW MEDICAL LEGAL PARTNERSHIP

Taught by Professors JoNel Newman and Melissa Swain, University of Miami School of Law

Since 2005, the Health and Elder Law Clinic has been an in-house live client clinical course at the University of Miami Law School, offered to second and third year law students. The clinic is a Medical Legal Partnership (MLP) with the University of Miami Miller School of Medicine, providing legal services to patients in the HIV and other Clinics, as well as the VA Hospital. The high volume “teaching hospital” model integrates legal assistance as a vital component of solving the health problems of vulnerable populations.



[View full course portfolio](#)



The real world doesn't happen one subject at a time. (Student Perspectives)



This is what lawyers do. (Law Professor Perspectives)



We're trained differently, but both have roots in advocacy. (Medical Professor Perspectives)

LABOR RELATIONS LAW

Taught by Professor Roberto Corrada, University of Denver Sturm College of Law

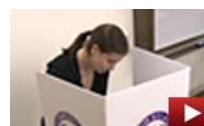
Used more than ten times since 1995, this whole course simulation allows students to organize and elect a union to represent them in negotiations with the professor over the terms and conditions of the course.



[View full course portfolio](#)



Most people who try teaching like this stick with it (Law Professor Perspective)



An election (Classroom footage)



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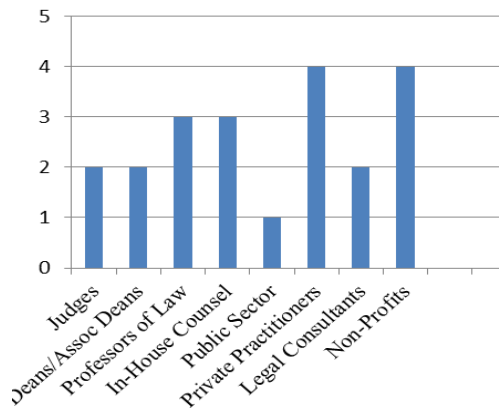
BUILDING BRIDGES BEYOND ACADEMIA

"Never doubt that a small group of thoughtful, committed people can change the world. Indeed, it is the only thing that ever has." - Margaret Mead.

An underlying principle of Educating Tomorrow's Lawyers and, indeed, of IAALS, is that change begins with a roomful of thoughtful, committed people. Law schools and law professors are integral to changing legal education, but we must go beyond academia to identify the needs of the legal profession.

The [ETL Advisory Committee](#) reaches deep into the profession to pull a group of advisors that is geographically and professionally diverse (see chart at right). Its executive committee is composed of William M. Sullivan, lead author of the Carnegie Report; Rebecca Love Kourlis, Executive Director of IAALS and retired Colorado Supreme Court Justice; Martin J. Katz, Dean of University of Denver Sturm College of Law; and Karen J. Mathis, Associate Executive Director of IAALS and past president of the American Bar Association.

COMPOSITION OF ETL ADVISORY COMMITTEE



In 2013, Educating Tomorrow's Lawyers will host its second conference, "Connecting the Academy and the Profession," which will join employers—the consumers of law graduates—with legal educators to identify new opportunities for learning, assessment, and outcomes.

OUR RECOMMENDATIONS

We thank the American Bar Association and its Task Force on the Future of Legal Education for undertaking this daunting but critically important project. We will continue to follow the work of the task force and identify opportunities to integrate its recommendations into our work. We offer the following recommendations for your consideration:

1. **Prepare lawyers for practice in a changing world:** a legal education, informed by the needs of the profession, that integrates knowledge, practice, and professionalism, with significant opportunities for hands-on study better prepares students to serve their clients and the legal system.



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2. **Involve and listen to a diverse group of stakeholders:** legal educators and law school administrators must drive the change, but they cannot do so effectively without the guidance of practitioners, judges, and clients.
3. **Collaborate:** law schools and legal educators should share what they teach and learn as they develop new programs and curricula.
4. **Incentivize:** law schools should provide incentives, similar to scholarship incentives, to legal educators who are superb teachers. Similarly, the American Bar Association and other governing bodies or rating systems should incentivize law schools to value teaching in a manner at least equal to scholarship
5. **Value:** value the teaching of professional identity as a core competency. Lawyers have played a significant role in the history of our country. There is much for them to do in the society of the future. However, to fill that role, lawyers must be viewed as ethical, trusted leaders and legal education is where that training begins.
6. **Measure and assess:** *Educating Tomorrow's Lawyers* starts with the values and recommendations of *Educating Lawyers* (the Carnegie Report), but assumes the report is only the beginning. By collecting information and data on existing practices and student outcomes, we can measure, evaluate, and adjust teaching strategies to continuously improve legal education for an evolving profession.



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APPENDIX A: CONSORTIUM SCHOOLS



ALBANY LAW SCHOOL

Albany Law School



American University Washington College of Law

The City University of New York

CUNY SCHOOL OF LAW

Law in the Service of Human Needs

The City University of New York CUNY School of Law



Cornell University
Law School

Cornell University School of Law



University of Dayton School of Law



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STURM COLLEGE OF LAW

University of Denver Sturm College of Law



GEORGETOWN LAW

Georgetown University Law Center

MAURICE A. DEANE SCHOOL OF LAW
HOFSTRA LAW

Hofstra University Maurice A. Deane School of Law



MAURER SCHOOL OF LAW
INDIANA UNIVERSITY

Indiana University Maurer School of Law

LOYOLA UNIVERSITY
NEW ORLEANS COLLEGE OF LAW

Loyola University New Orleans College of Law



UNIVERSITY of MARYLAND
FRANCIS KING CAREY
SCHOOL OF LAW

University of Maryland Francis King Carey School of Law



Mercer University School of Law

UNIVERSITY OF MIAMI
SCHOOL of LAW

University of Miami School of Law



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University of New Hampshire School of Law



University of New Mexico School of Law



New York University School of Law



Northeastern University School of Law



University of Pittsburgh School of Law



Regent University School of Law



Seattle University School of Law



University of Southern California Gould School of Law



Southwestern Law School



University of St. Thomas School of Law



Stanford Law School



Suffolk University Law School



Vanderbilt University Law School



Washington and Lee University School of Law



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