



# LAW SCHOOLS MUST ADAPT

By Timothy Fox

## The Becker symposium addresses the changing legal environment

In keeping with its position as a leader in legal education, Washington University School of Law went high-tech at its October 26 symposium on *The Law School in the New Legal Environment*.

The morning of the symposium, attendees—some 200 members of the legal, business, and academic communities—were asked to use their smartphones, laptops, and iPads to participate in an online survey to identify their top priorities for change among law schools. The symposium, which was held in conjunction with the weekend

celebration of Professor David M. Becker's 50th year of teaching, addressed the challenging environment for law schools and the legal profession. Access Group Inc. and the *Washington University Journal of Law & Policy*, which will publish some of the resulting papers, co-sponsored the conference.

The law school's Center for Empirical Research in the Law (CERL) coordinated the survey and tabulated the results. The top five priorities were revealed and discussed over lunch during the symposium's closing session.

Those priorities were:

- Enhance skills training
- Penalize false data reporting
- Reduce JD enrollment
- Reform *U.S. News* rankings
- Increase teaching expectations

"The symposium brought together key thought leaders from legal education and practice for a substantive discussion of how law schools must change to meet the needs of our students, the profession, and the clients they will serve," says **Kent Syverud**, dean and the Ethan A.H. Shepley Distinguished University Professor.

### REFLECTIONS ON CHANGE

During the plenary session, **Andrew Puzder, JD '78**, CEO of CKE Restaurants Inc., compared law schools to businesses in a down market, noting that over the past two years 25 percent fewer students took the LSAT. "No business can readily adjust to a 25 percent drop in its customer base. For law schools, students are your customers. What your customers want is not only an education, but when they are done, they want jobs," he said.

Turning to his own career, Puzder was able to rescue the failed Hardee's brand by re-instilling an entrepreneurial spirit, including instituting a simplified business model, a culture of change that allowed for risk-taking, improved customer service and accountability, and innovative products and

are businesses that never question how and why they do what they do," he said.

**Brian Tamanaha**, the William Gardiner Hammond Professor of Law, presented a sobering analysis of the economic model of law schools, drawn from his book, *Failing Law Schools*. "The cost of ob-

tuition, increase in debt, decline in jobs, and leveling out of salaries. Additionally, while about 20,000 law jobs are available each year, law schools are producing twice that many graduates. "The bottom line is that we have too many law graduates, schools are enrolling too many people, and no schools will voluntarily close," he said.

**Lauren Robel**, president of the Association of American Law Schools and provost at Indiana University-Bloomington, spoke about change and academic mission. Alluding to Janus, the Roman god of change, Robel noted that law schools have to look in two directions—toward the academy (the university setting) and toward the legal profession. "We are, as law schools, for the most part, small pieces of much larger academic institutions. We are required to meld that academic mission with our ob-

ligation and our moral responsibility to prepare students for the profession," she said. Since many of the issues law schools face are replicated in universities generally, any solutions need to keep in mind this broader context, she said.

#### IN-DEPTH REVIEW

Following the keynotes, breakout sessions focused on affordability and access to legal education; the future of law faculty; preparation for practice and job placement; and the possibilities for online legal education and how it will change traditional law schools. Among the many presenters was **Chip Paucek**, CEO of 2U, the law school's partner in the new online Master of Laws in U.S. Law degree for foreign students.

Suggestions from the break-out sessions encompassed creating more flexible models for delivering legal

**"Businesses that fail are businesses that never question how and why they do what they do."  
—Andy Puzder**

provocative advertising. While he believes that the "value of a legal education is hard to dispute," the decline in legal jobs and rise in the cost of legal education will mean that law schools must be able to manage change and be innovative to survive. "Businesses that fail

taining a law degree today is vastly out of proportion to the economic return on the degree for the vast majority of students," he said.

Tamanaha's book looks at economic forces that have come together to accelerate the need for change, including the rise in



▲ < Judge Ruth McGregor and Daniel Bernstine  
< Kyle McEntee

▲ Panelists from left: William Henderson, Roy Stuckey, Mary Beth Beazley, and John O'Brien

>> Harry Joe, standing, addresses the plenary session panel.

education, including modular approaches, condensed scheduling, certificate programs, and online options. Among other suggestions were lowering the cost of research and teaching, including greater use of adjuncts; establishing affordability baselines and risk-ratings for schools and students; better adapting to the forces of globalization, automation, and supply and demand; and re-examining what professional skills, courses, and experiential learning opportunities are needed, especially in regard to available jobs.

During the lunch hour, participants engaged in spirited discussion, moderated by the Hon. **Ruth McGregor**, retired chief justice of the Arizona Supreme Court, and **Daniel Bernstine**, president of the Law School Admission Council. While a broad range of topics was discussed, two themes were

woven throughout: transparency and cost-cutting.

For example, **Barry Currier**, interim consultant on legal education for the American Bar Association (ABA), said that to increase transparency, the ABA's Section on Legal Education and Admissions to the Bar has developed a proposal for a protocol for auditing school data. Another participant suggested that since law schools are subsidized by the federal government, the False Claims Act could be used to impose penalties for falsification of data.

Taking the discussion a step further, **Michael Fitts**, dean and the Bernard G. Segal Professor of Law at University of Pennsylvania School of Law, described how transparency and costs go hand in hand. "It's not a regulatory issue, but one of law schools being upfront about what their costs are, what careers

are available to students, and being very cost conscious," he said, adding that "in the end, you can't have a professional market unless students are going to get careers within that profession."

McGregor asked about the larger universities of which most law schools are a part. Would they accept a law school's efforts to cut

while providing students with direct professional training.

Looking ahead, Syverud said he and other Washington University participants are continually working to address the many issues raised in the symposium.

"The next step for our law school will be to examine how we can expand upon our current initiatives

**"In the end, you can't have a professional market unless students get careers within that profession."**

**—Michael Fitts**

costs so that they could admit students at a lower tuition? Others wondered what impact sweeping cost cuts might have on faculty's ability to conduct original research or schools' ability to serve their communities through legal clinics

for change and strategize to best address the ongoing challenges in legal education and legal practice," Syverud said.

For more information on the symposium, including a full list of presenters, visit [law.wustl.edu/beckers50/symposium.aspx](http://law.wustl.edu/beckers50/symposium.aspx).



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