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A Call for Drastic Changes in Educating New Lawyers



Rex C. Curry for The New York Times

Laurel G. Bellows, the president of the American Bar Association, at the group's midyear meeting over the weekend in Dallas.

By ETHAN BRONNER Published: February 10, 2013

DALLAS — Faced with profound and seemingly irreversible shifts, the legal profession is contemplating radical changes to its educational system, including cutting the curriculum, requiring far more on-the-ground training and licensing technicians who are not full lawyers.

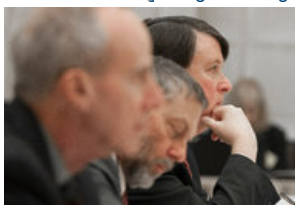
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Randall T. Shepard, a former Indiana Supreme Court chief justice, leads a task force on overhauling legal education.

The proposals are a result of numerous factors, including a sharp drop in law school applications, the outsourcing of research over the Internet, a glut of underemployed and indebted law school graduates and a high percentage of the legal needs of Americans going unmet.

“There is almost universal agreement that the current system is broken,” said Thomas W. Lyons III, a Rhode Island lawyer and a member of the American Bar Association’s Task Force on the Future of Legal Education, which gathered here over the weekend for a public hearing at the association’s midyear meeting.

While a few schools are freezing tuition and others are increasing hands-on learning, critics are increasingly saying that the legal academy cannot solve its own

problems, partly because of the vested interests of tenured professors tied to an antiquated system. Effective solutions, they insist, will have to be imposed from the outside.

Since law schools are regulated by state courts, that means convincing top state judges of the necessity of major change.

At the task force’s hearing, where lawyers and students gave testimony, most said the time

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was ripe for that change.

Many recommended reducing the core of law school to two years from three to cut costs. Others suggested that college juniors should be encouraged to go directly to law school, the bar exam should be simplified, accreditation standards should be relaxed to allow for more experiential learning, and states should establish training for the legal equivalent of nurse practitioners.

The task force was set up last summer and was given 24 months to issue its recommendations. But its chairman, Randall T. Shepard, a former chief justice of the Indiana Supreme Court, said a sense of crisis was driving the group to do so this fall.

Over the years, bar associations and foundations have called for similar changes, with limited impact. But leaders in the legal profession say that this time is different.

“We are going to look at everything from scratch,” [Laurel G. Bellows](#), a Chicago lawyer and the president of the American Bar Association, said in an interview. “We have to keep everything on the table.”

Paula Littlewood, a task force member and the executive director of the [Washington State Bar Association](#), put it this way to her colleagues: “There’s a time for incremental change and a time for bold change. This is the time for bold change.”

Hers is one state that is not waiting. It has established a board to create [a program for limited-license legal technicians](#), the first in the country. Within a year, the board is expected to lay out the educational and professional framework for the technicians. They will have more training and responsibility than [paralegals](#) but will not appear in court or negotiate on their clients’ behalf.

“The consuming public cannot afford lawyers, and the profession needs to figure that out and own it,” Ms. Littlewood said. “Our hope is to provide more access. The second point is that you have these folks out there doing unauthorized practice, which is harming the public. The hope is to bring them under the tent.”

Elsewhere in the country, law schools are trying to deal with declining popularity in a range of ways. The University of Akron Law School in Ohio [has frozen its tuition and virtually ended its out-of-state surcharge](#). At the University of Oregon, [Michael Moffitt](#), the law school’s dean, has started clinics on nonprofit groups, environmental policy and probate mediation. He has also set up law courses for students in other parts of the university, which brings revenue to the law school.

“The problem is that we have been selling only one product,” Mr. Moffitt said. “But if you are getting a business degree, you need to know about contract law. City planners need to know about land-use law. So we at Oregon are educating not just J.D. students.

“Demand is through the roof,” he added. “I feel like I am living a business school case study.”

[Nicholas W. Allard](#), who became the dean of Brooklyn Law School in New York last summer after a career in government and private practice, said that in the past, graduates of elite schools arrived at major law firms with little knowledge of the actual practice of law. As a result, corporations hiring those firms felt that their large hourly bills were in effect going to train those graduates, who were assigned some of their work. Mr. Allard said those corporations are no longer willing to do that.

As a result, he said, law schools need to have far more practical training and closer ties to the legal profession. That has led a number of schools to choose deans from within the profession, like Mr. Allard, rather than from academia.

He also said legal practice had a growing global component that needed to be addressed. “Some international exposure is being looked at for the first year in many places,” Mr. Allard said. “Whether you have a shingle up in Park Slope or in Maine, you are going to have some need for an appreciation of international legal issues.”

One group that came under frequent attack at the meeting here was tenured law school professors, who were criticized as having high pay, low productivity and a remote relationship with the practice of law. [Robert L. Weinberg](#), a retired founding partner of the Washington law firm Williams & Connolly and a lecturer at George Washington University Law School, said that instead of restricting the number of adjunct lecturers like himself, law schools ought to greatly increase them because they bring real-world examples to students.



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[Jim Chen](#), a professor of law at the University of Louisville and a former dean of its law school, said that to reduce law school from three years to two would mean that, in turn, tenured professors, whom he called the biggest expense for law schools, would have to take a one-third cut in pay. But, Mr. Chen said, they would never accept that, and the impetus for change would have to come from State Supreme Courts.

Derek M. Tokaz, the research director of [Law School Transparency](#), a legal education policy group that seeks to guide some of the changes, told the gathering that drastic changes were needed in [student loans](#) and accreditation. Rather than start with the number of required classroom minutes or student-teacher ratio, Mr. Tokaz said, what students need to know upon graduation should be agreed upon first.

As the meeting ended, one task force member, Michael P. Downey of St. Louis, summed it up. "The house is on fire," he said. "We don't want a report that sits on a shelf."

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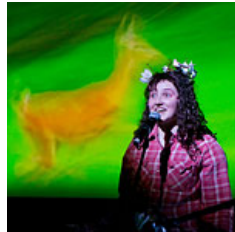
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