

# Daily Journal

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TUESDAY, SEPTEMBER 3, 2013

PERSPECTIVE

## A rare chance to reinvent law school

By Frank H. Wu

As we adjust our expectations about what legal education can, should and must do — and what it cannot be expected to do — we have that rare chance to reinvent everything.

Legal education faces threats as never before. Even leaders of the bench and the bar have become hostile to the institutions that prepared them for the profession. President Barack Obama's recent comments have highlighted the possibility of structural change. The idea of two years of formal education, followed by a year of practical training, deserves to be embraced.

The problems of legal education are not a result of the recession from which our economy is emerging. To be sure, the recession has made the issues worse and obvious. Even with a recovery underway, however, the concerns about legal education are likely to persist. There are too many lawyers, and, what is more, the newest among them have not been prepared ideally.

The complaints about legal education center on costs and skills.

From the perspective of students and their families, tuition is too high. The assessment of the return on education is a simple comparison of costs and benefits. Whether the cost of three years of schooling are worthwhile depends on whether the benefits that accrue over a lifetime of work are greater, taking into account the alternatives. The value of the third year depends on what is done in that time.

From the vantage point of prospective employers, skills are too low. The demands of entry-level hires continue to increase. Clients do not wish to pay for the acquisition of experience. Law firm hiring partners lament the usefulness of new associates. The trend toward hiring laterally has become the standard response. But it will succeed only so long as law graduates are able to start someplace.

The two-year J.D. concept addresses costs but not skills. But as often happens with popular discourse — and what law professors are great at educating the best attorneys to be mindful of — the simple framing of the subject is misleading. The argument is in the details. The best version of the two-year J.D. builds a new pipeline.

Imagine a law school that provided the traditional curriculum in the first year. Then it could offer specialized courses in the second year. And finally it might be thoroughly clinical in the third year.

How that last year is spent is crucial. Every medical student starts seeing patients before they are licensed as a doctor. They diagnose real problems under the supervision of experienced physicians. This is not only accepted; it is required.

Every law student could do the same. They could represent individuals in disputes and transactions. The purpose would be the same as it is with their medical school peers. It is to turn book learning into real experience.

There is an even more radical proposal. Instead of lopping one year off of law school, it would be possible to take two years away. Some people who come to law school would like legal training to do something other than practice law. They have always come to law school, but they have not always had a course of study suited to their interests.

A high school teacher who would like to advance, possibly becoming a principal, would not be well served by a three-year J.D. But she would benefit from a master's degree. Such a degree would be equivalent to a master's in other fields, such as history. Under a collective bargaining agreement, it typically means a raise. The substantive knowledge would be as useful, especially for a teacher of civics who might have considered that M.A. in history. The future high school principal — facing contract negotiations, risk management and administrative challenges — likely would find that a mod-

icum of legal training as prestigious a credential as other letters behind a name.

At UC Hastings, we have built out both these programs. We are changing the system. Law school students need the technical training, what has been referred to as the ability to think like a lawyer. Yet they need so much more. Real lawyers think like lawyers, but that is only the minimum of what they do in solving problems.

Lawyers for America places students at a prosecutor's office or a public defender's office. In their last year, they are able to do the work of lawyers thanks to student practice rules. Then following graduation, they receive paid, full-time one-year jobs in the same office though paid at lower wages than someone who was staying permanently. For the students, they can gain two years in the courtroom in the time of one year. For the office, they have four people (two students, two attorneys) at the cost of approximately one conventional hire.

The Master of Studies in Law program is an alternative to the J.D. degree. It enhances the skills as well as the resume of professionals in fields such as health care who wish to assume leadership roles, influence policy, or blend legal analysis into their current jobs.

Everything about our diverse democracy depends on rule of law, whether the enforcement of agreements, the resolution of disputes, or the protection of rights. We want others to adopt rule of law, with its values of an independent judiciary and advocates for clients. There is a tremendous need for

lawyers, and lawyers are produced by law schools.

We can do this right.

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