

LAW SCHOOLS AS LEGAL EDUCATION CENTERS

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LEGAL education in the early twentieth century was divided into three concurrent paths—study at one of the “elite” law schools, consisting of mostly full-time students already possessing a college degree;¹ study at one of the other mostly part-time practice based schools;² and a course of study with a practitioner/mentor outside of formal educational institutions.³

Except for a few theory-based schools, almost all the subject matter of learning was fixed and based on core courses, often tied to bar admission requirements.⁴

There was little attention given to the relationship of politics to the law or international relations and international law.⁵ Students received a Bachelor of Laws (LL.B.) degree and almost always intended to take and pass the bar and then to practice law.⁶

By the end of the millennium, almost all lawyers received their legal education, either part-time or full-time (and mostly full-time) from ABA accredited law schools, after graduation from a four-year college or university.⁷ Students had much more freedom to take electives, and even specialize prior to or after they received their Juris Doctor degree.⁸

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1. See generally Karl Llewellyn, *On What Is Wrong with So-called Legal Education*, 35 COLUM. L. REV. 651 (1935), reprinted in 2 THE HISTORY OF LEGAL EDUCATION IN THE UNITED STATES 694 (Steve Sheppard ed., 1999) (discussing legal education at Columbia, Harvard and Yale).

2. See, e.g., ALBANY LAW SCHOOL—1851-2001. A TRADITION OF CHANGE 65 (2002) [hereinafter ALBANY LAW]; John Forrester Hicks, *Seventy Five Years of Legal Education in Tulsa*, TULSA LAWYER, Dec. 1997, at 4.

3. By the 1970s, the ability to undertake law office study, instead of going to a law school, had all but disappeared. See L. Ray Patterson & Elliot Cheatham, *The Profession of Law* 281 n.5 (1971).

4. See, e.g., James P. White, *Rethinking the Program of Legal Education: A New Program for the New Millennium*, 36 TULSA L.J. 397, 404 (2000); Lowell S. Nicholson, *The Law Schools in the United States* (1958), reprinted in 2 HISTORY OF LEGAL EDUCATION, supra note 1, at 726-27. See also ALBANY LAW, supra note 2, at 65; Hicks, supra note 2, at 4. Both elite and non-elite law schools, of course, stated that they used the Langdell “case-method” system. See KERMIT L. HALL, THE MAGIC MIRROR: LAW IN AMERICAN SOCIETY 220 (1989).

5. See LAWRENCE M. FRIEDMAN, A HISTORY OF AMERICAN LAW 619-20 (1985).

6. See TEMPLE UNIVERSITY SCHOOL OF LAW BULLETIN 11-12 (1933-34) [hereinafter TEMPLE BULLETIN]. My special thanks to the Librarian of the Temple University School of Law, Professor John F. Necci, for finding and sending me a copy of this Bulletin.

7. See E. ALLAN FARNSWORTH, INTRODUCTION TO THE LEGAL SYSTEM OF THE UNITED STATES 13 (2d ed. 1991).

8. See AMERICAN BAR ASSOCIATION, COMMON LAW; COMMON BOND—LEGAL EDUCATION IN THE UNITED KINGDOM AND THE UNITED STATES IN THE NEW MILLENNIUM 45-46 (2001) (comments

A significant percentage of students received joint degrees⁹ and others had no intention to practice law as such.¹⁰ Many attended foreign programs¹¹ and they and others took an increasing number of courses in comparative, international or transnational law.¹² Almost all coursework was done in a classroom, with some simulation courses and clinics.¹³ Teaching was done primarily by full-time law-trained professors.¹⁴

In the next 25 years, law schools could evolve into Legal Education Centers, with full responsibility for the teaching of law to any who need to know or want to know something about the law. Employees in such Centers will provide legal education to undergraduate and graduate students, as well as to those seeking a law diploma (still a J.D.).

Most lawyers will see the need, as doctors have done, to specialize (and like doctors, general practice will be considered a specialty). Legal Education Centers (law schools) will supply the coursework for these specializations, either during or after the regular course of study. Students will secure proof of their special expertise through certificates, Master's degrees, CLE certification, or post-graduate diplomas.

These Centers will also provide continuing education law-related course work for business leaders, educators, political leaders, administrators, scientists and other interested citizens and will also be responsible for the initial and updated training of legal assistants, secretaries and paralegals.

Coursework will be done in classrooms, in clinics, through distance learning, and by multi-media. Instruction will be given by law trained and non-law trained professors, practitioners, technicians, and machines.

of Jeffrey Lewis) [hereinafter COMMON LAW; COMMON BOND]. See also ABA-LSAC, OFFICIAL GUIDE TO ABA-APPROVED LAW SCHOOLS 7-8, 821-28 (2003 ed.) [hereinafter OFFICIAL GUIDE].

9. The University of Tulsa College of Law, for example, offers the following Joint Degrees: J.D./M.A. in Anthropology; J.D./M.A. in Clinical Psychology; J.D./M.A. in English; J.D./M.A. in History; J.D./M.A. in Industrial/Organizational Psychology; J.D./M.S. in Biological Sciences; J.D./M.S. in Geosciences; and the most popular, J.D./M.B.A. See UNIVERSITY OF TULSA COLLEGE OF LAW, 2002-2003 CATALOGUE 30-31 [hereinafter TULSA CATALOGUE].

10. The Association that traces law school employment indicates that between 20% and 25% of all law graduates take jobs where a law degree is not required, although having such a degree might give a law graduate a preference. See NAT'L ASS'N OF LAW PLACEMENT, CLASS OF 2001 SURVEY.

11. The University of Tulsa College of Law, for example, offers summer programs in Buenos Aires, Geneva, Leuven, and Dublin. It also offers a full fall semester in London. See TULSA CATALOGUE, *supra* note 9, at 23.

12. See Charlotte Ku & Christopher J. Borgen, *American Lawyers and International Competence*, 18 DICK. J. INT'L L. 493, 503 (2000).

13. See Robert MacCrate, *An American Perspective on Lawyer Competency*, in COMMON LAW; COMMON BOND, *supra* note 8, at 69, 71.

14. See Mary Kay Kane, *The Requirement of Full-Time Faculty in American Legal Education: Responsibility and Expectations*, 51 J. LEGAL EDUC. 372, 372-73 (2001). See also AMERICAN BAR ASSOCIATION STANDARDS FOR APPROVAL OF LAW SCHOOLS, Standard 402 (2001-02) [hereinafter ABA STANDARDS].

MY FATHER'S LAW SCHOOL EXPERIENCE

In 1965, before I entered law school, my father described to me his law school experience at Temple University in Philadelphia. We were looking at law school catalogues and he was shocked at how much legal education had changed from his time. In the late 1920s, a graduate of a college or university, recognized by the Supreme Court, was "admitted on presentation of diploma." Others had to specially apply and get a certificate from the local Prothonotary.¹⁵ My father probably¹⁶ had to register and get such a certificate as he went right from high school to evening law school while he worked full-time.¹⁷

Classes were held at a downtown site, distant from the main University campus and usually taught by skillful practitioners, almost always in lecture format. Students were expected to be prepared and recite and not to challenge. Office hours, if any, were at the professor's downtown office or chambers (many of the professors were judges) or just before or after class. There were no clinics, no small sections, no seminars, no writing classes, no foreign programs, and no student bar association or student organizations, except for one student run law quarterly and some mock trials.¹⁸

Tuition was paid on a course-by-course basis and there was little if any financial aid and no school arranged loans. There were no admission or career services counselors, and few secretaries or clerks to service the needs of the law school, faculty and students.¹⁹ In fact, my father recalled there were only three full-time staff people, *not* including the Dean (who had an active outside practice).

Almost all his evening classes were mandated, and he had little choice of times.²⁰ Students were expected to attend classes six days a week and during the summer

15. See TEMPLE BULLETIN, *supra* note 6, at 11-12. Again, my special thanks to the Librarian of the Temple University School of Law, Professor John F. Necci, for finding and sending me a copy of this Bulletin. He could not find the Bulletin for the years my father actually attended Temple Law School, but conversations with other alums of my father's generation indicate that, with one possible exception, the Bulletin describes the requirements and curriculum four to six years earlier. The only exception is that the 1933-34 Bulletin specifically states that "no diplomas or certificates from preparatory schools or high schools are accepted in lieu of" the requirement of a college diploma for automatic admission. My father and some of his colleagues "seem to remember" that a Bachelor of Arts degree from the academic track at Central High School was felt to be the equivalent of such a college or University diploma.

16. It is unclear whether my father had "automatic admit" rights with his high school Bachelor of Arts degree, or had to be specially admitted. See *supra* note 15; *infra* note 17.

17. Abraham Belsky was born in Philadelphia on July 26, 1908. He attended the all-male Central High School, graduating in 1926 as President of his section. Since he was on the "academic Latin" track, he received a Bachelor of Arts degree. He then went to Temple Law School as an evening student, graduating in 1932. He received an LL.B. The following year he passed the bar and was admitted to the local courts. In 1936, he was admitted to the Pennsylvania Supreme Court.

18. See TEMPLE BULLETIN, *supra* note 6.

19. *Cf. id.*

20. Evening classes were held from 7:30 p.m. to 9:30 p.m. While students in the full-time program could take eight hours of elective work, students in the part-time program could not take any electives. See TEMPLE BULLETIN, *supra* note 6, at 18-19.

The focus of most lectures was on “*the law*” The subject matter was on “the fundamentals” (which he interpreted as “passing the bar”).²¹

My father remembered the course load as heavy, but not as heavy as the hours he saw described in the catalogues he saw me reviewing.²² He recalled two semesters of constitutional law, criminal law, torts, procedure, contracts, property, commercial law and evidence. He also remembered one semester each of Pennsylvania practice, equity, and ethics. The most specialized courses offered (mandated) were in business law, insurance, public utilities and trusts.²³

Being an urban law school, there were a few—but only a few—people of color, and some women—whom he noted were always the smartest ones in the class.²⁴ There were no parking lots as students took the bus or subway to school. There was no cafeteria, but quite a few local restaurants were nearby. There was no formal law school library, but law books were available at the courthouse and some were available in the University library about two or three miles away.²⁵ The now famous line—look to your left, look to your right—was used to explain the accurate prediction that about one-third would not make it through.²⁶

Graduation was a serious event, as students were already thinking about passing the bar exam.²⁷ That exam was Pennsylvania based and the only bar review material was your notes, textbooks, or tidbits from friends or associates who had taken the bar before. The character and fitness review was a serious business and one’s affiliations, religion, writings, and family were legitimate areas of inquiry.²⁸

21. See Nicholson, *supra* note 4, at 726.

22. On this issue, my father’s recollection was a little faulty. Day students had 15 hours a semester for the first two years and 12 hours a semester for the third year. A total of 84 hours was required for graduation. Evening students had 9 or 10 hours for each of their years for a total of 76 hours required for graduation. See TEMPLE BULLETIN, *supra* note 6, at 13. The catalogue for Columbia Law School, where I eventually attended, mandated for full-time students 32 hours in the first year and a total of 90 hours for graduation.

23. *Cf. id.* at 13-14.

24. Although diversity has improved dramatically in more recent years, law schools and the legal profession must do more. See Sandra Day O’Connor, *First Women—The Contribution of American Women to the Law*, 28 VAL. U. L. REV. xiii (1994), reprinted in 2 HISTORY OF LEGAL EDUCATION, *supra* note 1, at 949, 951-52. See generally AMERICAN BAR ASSOCIATION, COMMISSION ON OPPORTUNITIES FOR MINORITIES IN THE PROFESSION, MILES TO GO: PROGRESS OF MINORITIES IN THE LEGAL PROFESSION (1998); Adrien Katherine Wing, *Race-Based Affirmative Action in American Legal Education*, 51 J. LEGAL EDUC. 443 (2001).

25. It was not until the end of the 1930s that most law schools saw a need for their own libraries. See JAMES M. PEDEN, THE HISTORY OF LAW SCHOOL ADMINISTRATION (1997), in 2 HISTORY OF LEGAL EDUCATION, *supra* note 1, at 1105, 1115.

26. The full text, for those of you who did not have to hear it (and I did as late as 1965), is “Look to your left; Look to your right. One of you will not be here in three years.”

27. In Pennsylvania in the 1930s, students did not have to complete their legal education to take the bar exam. In fact, a student could take the bar without going to law school. My father indicated that many of his colleagues in fact did one or two years of part-time law school study and then studied on their own and took the bar. He noted that he was tempted to do that as well, but felt that, since he had to work full-time, he had a better chance to become a lawyer by going through the entire discipline and then taking the bar. He recalled that nearly 100% of his fellow graduates passed the bar and less than a quarter of those who sought alternative routes did so.

28. See generally JEROLD AUERBACH, UNEQUAL JUSTICE 125-29 (1976). The American Bar Association’s Canons of Professional Ethics, adopted in 1908, mandated in Canon 29 that lawyers

Even after graduation and passing the bar, you would not be admitted to practice until you served—at pauper’s wages—a preceptorship for a practicing attorney or judge.²⁹

My father’s experience may have been unique, but I doubt it. Except for those attending a few “elite” law schools, legal education in the 1930s was probably similar to that described above.³⁰

THE 1960S AND EARLY 1970S

Between 1961 and 1974, I had a series of opportunities to observe and learn about how much legal education had changed from my father’s time. These experiences now also give me an opportunity to compare the law school of the 1960s and early 1970s with those of the present.³¹

Legal education by the early 1970s had become more rigorous and academic and less trade school premised. All law schools had their own buildings, and most were part of³² and located on the campus of the University³³ They had law libraries of

should “aid in guarding the Bar against the admission to the profession of candidates unfit or unqualified because deficient in either moral character or education.” My father and others felt that this provision had been and could be used to keep out those who were different, such as the Jewish Abraham Belsky. *See id.* at 114-27.

29. *See id.* at 125-27 After graduation, my father, who was the sole support for the extended family of parents and siblings, did in fact serve a preceptorship with an attorney, for no pay, while he continued to work as a salesman. He then joined with two of his classmates in “hanging out a shingle” but could not afford to take off from his sales position to take cases. After two years, he reluctantly took his name off the shingle as he could not afford the shared expenses. He never really “practiced” law, although he claims that the cost of his legal education was paid back many times over by his use of his legal training in his business.

30. There are no detailed records of the curriculum, programs, or personnel at Tulsa Law School, now The University of Tulsa College of Law, in the 1930s. One of my colleagues, Professor John Hicks, is the law school’s historian. In an article presaging a book, Hicks indicated that in the 1930s, Tulsa Law School had about 90 students and 20 faculty, all part-time practitioners. Students went to classes in the evening at a downtown location and about 1/3 actually graduated. Hicks, *supra* note 2, at 4.

Tulsa had a two-tiered admission process. Anyone who had at least one year of college credit would be admitted as a “regular” student and could receive an LL.B. upon graduation, and, until 1939, be automatically admitted to the Oklahoma Bar on motion. Other students who did not have this preliminary education could be admitted by the faculty and receive a certificate from the law school. With this certificate, they may be eligible to take a bar examination. All classes were required and students either paid by credit hour or semester. *Id.* at 5.

Albany Law School, although housed in a brand new building, with its own library (it also had a gymnasium), still had a program and curriculum in the 1930s that was practice based and taught to part-time evening students by part-time practitioner faculty. *See ALBANY LAW, supra* note 2 at 78, 95.

31. In college (in the first half of the 1960s), I worked at a bookstore next to Temple Law School. I then attended Columbia Law School from 1965 to 1968. At the end of the 1960s and until 1974, I taught at Temple University School of Law as an adjunct and also experienced legal education at Temple through my then wife who was a student.

32. By the early 1970s, there were only a handful of independent law schools, such as Albany Law School. *See ALBANY LAW, supra* note 2, at 113-18. Other schools that once were independent had now associated themselves with universities. *See Hicks, supra* note 2, at 5-6.

33. *See, e.g., Hicks, supra* note 2, at 6.

significant scope and staffs of librarians, secretaries, and other assistants for admissions, financial aid, placement, alumni relations and fund-raising.³⁴

Almost all students had baccalaureate degrees and expected to complete their legal education before taking the bar.³⁵ There were more women and people of color and even some foreign students.³⁶ Some law schools had evening divisions, but most students went to school full-time during the day.³⁷ And at most schools, even "elite schools," most students came from the state where the law school was located. Still, even at non-elite schools, a significant portion came from other states.³⁸

Students had the opportunity to take many electives, but still, most students took the "core bar-related courses."³⁹ More faculty members were considered full-time but many had a substantial outside practice.⁴⁰

There were seminars but few clinics⁴¹ and no formalized specializations.⁴² Classroom teaching was either lecture or "Socratic" with occasional seminars.⁴³ There was an increasing number of student organizations, including multiple

34. As late as the end of the 1980s, law schools were "profit centers" for some universities. ABA Accreditation Standards, first really codified in 1973, did, in fact, reduce the degree to which law schools could be asked to transfer money to the parent institution. See George B. Shephard & William Shephard, *Scholarly Restraints? ABA Accreditation and Legal Education*, 19 CARDOZO L. REV. 2091, 2115 (1998). These Standards, and official interpretations of these Standards, covered resources required for libraries, secretaries for faculty, staff for admissions, financial aid, placement, alumni relations and fund-raising. Cf. ABA STANDARDS, *supra* note 14.

35. Both New York and Pennsylvania allowed students to take the bar after only one year of legal education—on motion to the Pennsylvania Supreme Court or New York Court of Appeals—but few students dropped out to do this.

36. See generally Henry Ramsey, Jr., *Affirmative Action at A.B.A. Approved Schools, 1979-80*, 30 J. LEGAL EDUC. 377 (1980); Elizabeth M. Schneider, *Task Force Reports on Women in the Courts: The Challenge for Legal Education*, 38 J. LEGAL EDUC. 87 (1988).

37. See Erwin Griswold, *Legal Education: 1878-1978*, 64 A.B.A. J. 1051, 1062 (1978). There were limits on hours allowed and other special rules for part-time students, most of whom took their courses in the evenings. See ABA STANDARDS, *supra* note 14, Standard 304.

38. Columbia Law School considered itself a "national law school," with students from colleges and universities all over the country. Still a review of my entering class indicates that more than 60% described themselves as New York state residents. At Temple, according to a colleague who taught there at about that time, about 75% of the students were from Pennsylvania.

39. This is still true today. See COMMON LAW; COMMON BOND, *supra* note 8, at 18 (comments by Dean Robert Walsh).

40. At Temple, there were really three groups of faculty members: (1) the young recent graduates; (2) the former practitioners who identified themselves as law professors, but often did outside consulting; and (3) the practitioner who maintained an office downtown and identified himself (and I can't remember any women) as a lawyer who also taught. Almost all of the regular faculty at Columbia were self-identified as law professors, but a few had named partnerships on Wall Street and others had extensive time-consuming "of counsel" relationships.

41. There were some schools that had in-house clinics and many that had "placement type clinics" where practitioner-adjuncts supervised students in government or legal aid offices. See Martin H. Belsky, *Students as Prosecutors: The Philadelphia Experience*, 45 PA. B. ASS'N Q. 423 (1974), reprinted in 10 THE PROSECUTOR 13 (1974).

42. Columbia had suggested courses for corporate practice and international law. Temple had suggested courses for government, especially municipal government.

43. See HALL, *supra* note 4, at 290.

journals, moot court teams, subject based associations (like for international law, trial advocacy, and business law).

Being the 1960s, politics, including the Vietnam War, was a part of student life and policy discussions were common and student bar associations were quite active and vibrant.⁴⁴

There was still a large dropout rate—and entering classes still heard the decanal refrain—“look to our right; look to your left.” Still, it was expected that if you did the work required, you would survive.

While in law school, many students tried to and often got law-related jobs during the academic year, the summer, or both.⁴⁵ Upon graduation, students usually took a bar review course, concentrating on material for a particular state's bar.⁴⁶ The character and fitness review by the bar was a process and not a hurdle. So long as you had not committed some truly egregious act, you could be assured that passing the bar meant admittance.⁴⁷

THE MODERN LAW SCHOOL EXPERIENCE

Anybody who knows even a little about the history of legal education knows that dramatic changes occurred in legal education starting in the mid 1970s, because of the increased authority, responsibility and oversight of the American Bar Association, through its Section on Legal Education and Admission to the Bar, and, to a somewhat lesser extent, of the American Association of Law Schools.⁴⁸ Most State Supreme Courts delegated accreditation to the ABA, which in turn established a comprehensive set of Standards and Interpretations and regular sabbatical accreditation visit and review.⁴⁹ The law professor member-based American Association also established a set of rules and guidelines and applied them to those schools which sought membership in that Association.⁵⁰

44. See Griswold, *supra* note 37, at 1061. I graduated from Columbia in 1968. Some of the readers of this essay might remember that this was the time that some students took over the University's Law Library and classes were cancelled. Our exams in May of 1968 were pass-fail.

45. My experience was that students at Temple felt their competitive position was helped enormously by “clerkships” in government offices, judges chambers or law firms starting in the second semester and beyond. Students at Columbia did not feel as much of a competitive push but often sought jobs with prestigious firms “to test the waters.”

46. Pennsylvania in 1968 still had a preceptorship requirement, but it was more of a procedural hurdle than a reality. You would sign up in your first year with an attorney—in my case a friend of my father who I explicitly promised I would not ask for a job/preceptorship upon graduation. After getting a job, the new lawyer would switch the preceptorship to someone at the new site. If in solo or small practice, the young lawyer would find a friendly lawyer who would agree to sign the necessary forms.

47. My character and fitness review took five minutes.

48. See generally White, *supra* note 4; Shephard & Shephard, *supra* note 34; *A Bit of History: Report of the AALS Long-Range Planning Committee*, in 2 HISTORY OF LEGAL EDUCATION, *supra* note 1, at 1169.

49. See Shephard & Shephard, *supra* note 34, at 2124, 2127-52. See also ABA STANDARDS, *supra* note 14.

50. See *A Bit of History*, *supra* note 48. See also 2000 HANDBOOK OF THE AMERICAN ASSOCIATION OF LAW SCHOOLS [hereinafter AALS HANDBOOK].

Selection of faculty became much more competitive and procedural. Hiring could still be done on an ad hoc basis but most law schools sent teams of recruiters to annual AALS sponsored recruitment conferences.⁵¹ The elite law schools dominated the new law professor classes each year. Students at the non-elite school often felt the need to get a Masters from an elite school to be competitive.⁵²

Classroom teaching changed as new user-friendly styles balanced out the traditional Socratic "Kingsfield" intimidation mode.⁵³ More study aides became available⁵⁴ and grading sometimes did not depend entirely on one final exam.⁵⁵

Like other University entities, law schools sought Chairs and named professorships and demanded that full-time faculty work full-time. Specifically, a full-time faculty member was expected to be in his or her office at least four days a week, and not have a formal relationship with a law firm.⁵⁶

Accreditors and the legal community pushed for more diversity in students and faculty.⁵⁷ They also scrutinized instruction to make sure that regular faculty and not adjuncts taught most basic courses.⁵⁸

Student bodies, in fact, became more diverse, both in gender and race and also in geography.⁵⁹ Full-time students became truly full-time as accreditation rules now provided that they should not work substantial hours during the academic year and perhaps not at all in the first and second semesters.⁶⁰

51. AALS HANDBOOK, *supra* note 50, at 3.

52. See generally AALS, DIRECTORY OF LAW TEACHERS 2001-2002.

53. See June Cicero, *Piercing the Socratic Veil: Adding an Active Learning Alternative in Legal Education*, 15 WM. MITCHELL L. REV. 1011, 1114-17 (1989); Ted Gest, *Law, in U.S. NEWS & WORLD REP., BEST GRADUATE SCHOOLS 42-44* (2002) [hereinafter BEST GRADUATE SCHOOLS]; Gramm Lilly, *Law Schools Without Lawyers? Winds of Change in Legal Education*, 81 VA. L. REV. 1421 (1995).

54. Study aids have been available, of course, for decades. However, with the Internet, CDs and DVDs, new and increased forms of aids are being used by students—often geared to particular books. A related problem, of course, is use of some of these "aids" to prepare papers—in direct terms, electronic plagiarism.

55. Obviously, research and writing, clinic and skills courses are examples where grades are not based only on a final exam. In addition, some schools, like Tulsa, encourage first year teachers to give mid-term exams.

56. See ABA STANDARDS, *supra* note 14, Standard 402(c) & Interpretation 402-4. See also Shephard & Shephard, *supra* note 34, at 2138-40.

57. See, e.g., AALS HANDBOOK, *supra* note 50, By-Laws § 6-4; ABA STANDARDS, *supra* note 14, Standard 210(a). See also Rennard Strickland, *Creating Opportunity: Admissions in U.S. Legal Education*, 51 J. LEGAL EDUC. 418 (2001); James Podgers, *Breaking Out of the Mold*, 85 A.B.A. J. 86 (Dec. 1999).

58. ABA STANDARDS, *supra* note 14, Standard 403.

59. See *Law School Diversity*, in BEST GRADUATE SCHOOLS, *supra* note 53, at 42-50; Robert C. Clark, *Bases and Prospects for Internationalization of Legal Education in the United States*, 18 DICK. J. INT'L L. 429, 431 (2000). But see *supra* note 24 and accompanying text.

60. See ABA STANDARDS, *supra* note 14, Standard 304(f). See, e.g., UNIVERSITY OF FLORIDA FREDERIC G. LEVIN COLLEGE OF LAW 2001-2002 PROSPECTUS, at 40 [hereinafter FLORIDA CATALOGUE].

Tuition could be credit based or per semester⁶¹ and while tuition increases were substantial⁶² so were increases in financial aid, both by scholarship and readily available loans.⁶³

There were increased varieties of law school experiences. More schools strived to be ranked as national schools, or at least regional schools of national impact.⁶⁴ Some choose to develop specially focused curricula or a number of special tracks.⁶⁵ Others prided themselves on being "core curriculum" state-law based schools.⁶⁶

At all schools, even those that focused on state law, the number of required course hours decreased and more opportunities were allowed for specialized courses, small sections and seminars, and even joint degrees with other University colleges.⁶⁷ Education at overseas locations grew dramatically as more and more law schools offered summer or semester abroad programs.⁶⁸

Law schools increasingly held special seminars and conferences,⁶⁹ and law professors increasingly lent their expertise to the media on hot issues.⁷⁰ They also published multiple law journals, and more newsletters, brochures and magazines promoting each school's faculty, programs, visitors, and quality.⁷¹

Standards and reviews promoted increasing professionalization of staff positions for librarians, career services and admission personnel and then later of alumni directors and fund-raisers, and many more buildings.⁷² The ABA pushed more skills training, as part of the regular curriculum, and encouraged heightened status for clinicians and research and writing instructors.⁷³ Accreditation reviews looked

61. Compare TULSA CATALOGUE, *supra* note 9, at 67 (semester charges), with FLORIDA CATALOGUE, *supra* note 60, at 31 (credit hour charges).

62. See generally John R. Kramer, *Will Legal Education Remain Affordable, By Whom and How?* 1987 DUKE L.J. 240; Marilyn Yarbrough, *Financing Legal Education*, 51 J. LEGAL EDUC. 457 (2001).

63. See TULSA CATALOGUE, *supra* note 9, at 68-71; Yarbrough, *supra* note 62, at 458-61.

64. Many argue, with some basis, that this drive to be considered a national school is a function of the *U.S. News & World Report* ranking system. See Patrick Hobbes, *Noblesse Oblige: Four Ways the "Top Five" Law Schools Can Improve Legal Education*, 33 U. TOL. L. REV. 85, 85-86 (2001). See also BEST GRADUATE SCHOOLS, *supra* note 53, at 46-50.

65. See Larry Cata Backer, *Toward General Principles of Academic Specialization by Means of Certificate or Concentration Programs: Creating a Certificate Program in International, Comparative and Foreign Law at Penn State*, 20 PA. ST. INT'L L. REV. 67, 70-72 (2001). See TULSA CATALOGUE, *supra* note 9, at 22-28.

66. See, e.g., UNIVERSITY OF MAINE SCHOOL OF LAW 1999-2000 CATALOGUE, at 3.

67. See, e.g., *id.* at 14-15, 36-37.

68. See White, *supra* note 4, at 409. See, e.g., TULSA CATALOGUE, *supra* note 9, at 23.

69. See, e.g., THE UNIVERSITY OF TULSA COLLEGE OF LAW, ENRICHMENT PROGRAMS (2002).

70. In addition, some law schools, like Albany Law School and The University of Tulsa College of Law, have weekly radio shows (on the NPR affiliate) on current legal topics.

71. See, e.g., TULSA LAW MAGAZINE, Summer 2002. At a recent Dean's meeting, several of my colleagues complained about the cost of publicity and argued that most of it was done to tell other deans and faculty about their schools in the hope that they would more highly rate their school in the *U.S. News & World Report* rankings. I believe this may be true in part, but such publications also allow a school to inform alums, local citizens, friends, donors, and others about the accomplishments of the school.

72. See Shephard & Shephard, *supra* note 34, at 2140-42. See also ABA STANDARDS, *supra* note 14, Standards 201, 511, 512, 601-06.

73. See White, *supra* note 4, at 408-09; Stephen Wizner, *The Law School Clinic: Legal*

at quality and quantity of library collections, student/full-time faculty ratios, faculty salaries and clerical, research and other support for faculty⁷⁴

Law schools, even state law schools, sought to diversify their economic base through fund-raising, alumni cultivation, grants, contracts, and special programs, many of which offered continuing legal education credit.⁷⁵

Bar exams were still given state by state, but most states included an exam prepared by a multi-state association, which used multiple choice questions as the testing method.⁷⁶ Even the state-based portion of the two-day bar exam often focused on non-local issues, and had questions prepared by professors from states across the nation.⁷⁷

LEGAL EDUCATION IN THE 21ST CENTURY

As we reached the end of the twentieth century, several indicators of the future were evident. Computers became a more dominant research tool for faculty and students, and libraries changed to legal information centers.⁷⁸ The profession's push for more skills teaching in law schools led to active consideration by state bar examiners of practice based exams.⁷⁹

A backlash against some accreditation standards has already led to differing measuring standards for clinical faculty, specifically excluding salary and similar comparisons and more flexibility in decanal administration.⁸⁰

In light of the greater flexibility in oversight, better technology for computer-assisted legal education, new allowances for distant legal education,⁸¹ and even some talk of total "e-learning,"⁸² it is likely that, by the year 2025, law schools could become more Centers for law students to choose from a menu of options, including skills courses, in a clinic or simulation, interactive training, lectures by

Education in the Interests of Justice, 70 *FORDHAM L. REV.* 1929, 1933-34 (2002); ABA REPORT OF THE TASK FORCE ON LAW SCHOOLS AND THE PROFESSION: NARROWING THE GAP—LEGAL EDUCATION AND PROFESSIONAL DEVELOPMENT—AN EDUCATIONAL CONTINUUM 236, 260 (July 1992). See also ABA STANDARDS, *supra* note 14, Standards 302(a)(2), 303(c), 405(c)-(d).

74. For a detailed argument that this accreditation process is anti-competitive and unfair to both students and the bar, see generally Shephard & Shephard, *supra* note 34.

75. See generally Kenneth C. Randall, *The Dean as Fundraiser* 33 *U. TOL. L. REV.* 149 (2001); Steven R. Smith, *The Dean and the Budget: Not "Just a Bunch of Damn Numbers,"* 33 *U. TOL. L. REV.* 203, 208 (2001).

76. In fact, some state Boards of Bar Examiners allow you to use your grade in the multi-state given in another state. This allows some students to take a state test on a Tuesday, the multi-state on a Wednesday, and then another state test on a Thursday. These students, of course, have my deepest sympathy.

77. See discussion in *infra* note 129.

78. See, e.g., Deanna J. Harris, *Wired for the 21st Century*, *TULSA LAW MAGAZINE*, Summer 2000, at 3.

79. See Maureen Straub Kordesh, *Reinterpreting ABA Standard 302(f) in Light of the Multi-State Performance Test*, 30 *U. MEM. L. REV.* 299 (2000).

80. See ABA STANDARDS, *supra* note 14, at 7-8. See also PEDEN, *supra* note 25, at 1125-26.

81. See Dan Carnevale, *Bar Association Seeks to Ease Rules on Distance Education Law Schools*, *CHRON. HIGHER EDUC.*, July 5, 2002, at A32.

82. *E-Learn and Earn*, *U.S. NEWS & WORLD REP.*, June 24, 2002, at 36.

video, Internet, or disk, or small electronic sections and seminars with interactive live faculty⁸³

By the 1990s, transnational and global issues were increasingly considered “core topics”⁸⁴ and new schools were being established that were religiously based or otherwise specially focused,⁸⁵ and even for profit.⁸⁶ In addition, revised ABA Standards allowed students to go five or even six years to get their degree.⁸⁷ Other Standards are being considered that also provide flexibility and new definitions of residency⁸⁸

Extrapolating these trends, Legal Education Centers could include in their menu of options, access to special courses or programs in their own school or through their school.⁸⁹

Such Centers would be able to provide mechanisms for flexible study. Students could take some classes a few hours a week, and some at home or while working on another job. Others could take courses only a few months over a number of years. Still others would go full-time for a year and then part-time with distance learning.⁹⁰

Legal Education Centers would market their courses to other schools and students and some students could spend their time in two or even three schools over a longer and part-time school experience.⁹¹

83. See Joseph D. Harbaugh, *Legal Education in 2010*, FLA. B.J., May 1997, at 57; Stephen M. Johnson, *Legal Education in the Digital Age*, 2000 WISC. L. REV. 85. See also JOHN MAYER, *THE FUTURE OF LEGAL EDUCATION* (1998), in 2 HISTORY OF LEGAL EDUCATION, *supra* note 1, at 1185; James Hoover, *A Vision of Law Schools of the Future*, in 2 HISTORY OF LEGAL EDUCATION, *supra* at 1198; Steve Shephard, *The Role of the Professor in the High-Tech Law School*, in 2 HISTORY OF LEGAL EDUCATION, *supra* at 1204. Compare Robert E. Oliphant, *Will Internet Driven Concord University Law School Revolutionize Traditional Law School Teaching?* 27 WM. MITCHELL L. REV. 841 (2000).

84. See Michael P. Scharf, *Internationalizing the Study of Law*, 20 PA. ST. INT'L L. REV. 29 (2001).

85. See Jeffrey A. Brauch, *It Sounded Great in the Glossy Brochure . . . So Where Is it? Carrying Out the Mission at a Mission Driven School*, 33 U. TOL. L. REV. 1 (2001).

86. Until 1995, the American Bar Association Standards, particularly Standard 202, barred accreditation for proprietary law schools. As part of a settlement with the Justice Department, this restriction was removed. See Robert P. Bigelow, *Justice and ABA Settle Antitrust Case*, A.B.A. LAW PRAC. MGMT., Nov. 1995, at 54.

87. ABA STANDARDS, *supra* note 14. Standard 304(b) now provides that students receive residence credit in the ratio of hours enrolled in or in which credit was received. Thus, at Tulsa, we have a program, allowed by the ABA, which provides that students may take six hours a semester, and graduate (including summers) in five years.

88. See White, *supra* note 4, at 410.

89. See Mayer, *supra* note 83, at 1188-89.

90. See *id.* at 1187-92. See also Oliphant, *supra* note 83; Johnson, *supra* note 83.

91. Most law schools allow a student to transfer after the first year and to visit another school for a year. Combining this policy with the ability to spread out legal education over five or six years, a student could, for example, start at one law school (maybe in his or her home state), develop some desire to specialize and go to a special summer program or take a semester or two at a particular law school, do some coursework overseas, and do additional course work through distance learning. As part of this package, the student at some schools could have a clinical semester, or at another be in a cooperative work for credit program.

While now it is considered somewhat impolite to recruit for visitors or transfers, schools do so for summer and overseas students now and also market their specializations. Taking the lead from undergraduate schools, more law schools will move to recruiting visitors, transfers, and distance

This ability of legal educators to use technology and flexibility to allow geographical and topic cross-fertilization will, of course, lead to more joint programs and consortia between schools (with special contractual arrangements).⁹²

It should also lead to a further lessening of differences between admission standards from state to state, and possibly the elimination of state-based bar exams and the minimization of restrictions on out-of-state or state to state admissions.⁹³

As noted earlier, by the end of the 1990s, deans of all types of law schools felt pressured by outside ranking entities and the students, faculty, alums and University administrators who paid attention to such rankings. Money was spent on "visibility," publicity, "buying students," and carving a special niche to overcome generalized comparisons.⁹⁴ By the end of the first quarter of the twenty-first century, as with medicine, only a few schools would be able to claim dominance in all areas.⁹⁵

Most would seek recognition in one or more specialty or sub-specialty areas, or by appealing to specific religious or ethnic populations. As described above, they would market themselves in their particular focus or with particular appeal to certain types of students.⁹⁶

They would sell certain courses or programs and be less worried about rankings generally as compared to making a profit (or for non-profits providing higher prerequisites) by focusing on their niche. They would have to become more "user friendly" to compete with other schools and even other professions.⁹⁷

Part of this new competitive angle might be to broaden what law schools, now retooled as Legal Education Centers, consider to be within their mandate.

LAW SCHOOLS AS LEGAL LEARNING CENTERS

The legal profession has already seen the need to broaden the concept of legal education and to encourage lawyers to teach about the law to a wide audience of interested parties. In addition, the profession has already seen the need to provide a process of certification to law-related professions and to post-law school training.⁹⁸ Finally, the profession has become more vocal about educating the public about the legal aspects of almost everything that happens in our society.⁹⁹ I believe that law schools should and will, working together with other entities, assume more and more responsibility for these learning processes.

learning students.

92. See Mayer, *supra* note 83, at 1187-88.

93. See, e.g., Hope Viner Samborn, *Tri-State Training: Supreme Courts in Maine, N.H. and Vt. Mull Plan Requiring Joint Skills Classes for Would-be Lawyers*, 84 A.B.A. J. 30 (Feb. 1998) (describing plan where students would be admitted to bars of all three states through a common exam).

94. See *supra* text accompanying notes 64-70.

95. See BEST GRADUATE SCHOOLS, *supra* note 53, at 58-60.

96. See Joan Mahoney, *The Future of Legal Education*, 33 U. TOLEDO L. REV. 113, 115 (2001); Judith Welch Wegner, *The Curriculum: Patterns and Possibilities*, 51 J. LEGAL EDUC. 431, 432-35 (2001).

97. Cf. Joseph D. Harbaugh, *Legal Education in 2010*, FLA. B.J., May 1997 at 57.

98. The American Bar Association has standards, reviews, and either certifies or accepts or rejects post-graduate Masters programs and also Legal Assistant and Paralegal Programs.

99. See MODEL RULES OF PROF'L CONDUCT pmb1. ¶ 6.

As early as the 1960s, the American Bar Association developed a curriculum to teach legal concepts and the rule of law to elementary and high school students. Curricula were developed. Teachers were given special training. Special projects, like mock trials, and lectures by practitioners, and court visits were organized.¹⁰⁰

Law school involvement in these programs was encouraged, and some law schools developed their own parallel programs. Elementary and high school students were brought on campus and law students and law faculty organized special lectures, library demonstrations, or moot courts.¹⁰¹

I have found that such activity, by law students, staff and faculty benefited not just the visitors but also those dealing with them. Law students have indicated that they learned a great deal about law topics, by having to prepare a talk or a mock trial for young students. They had to translate complex topics into ordinary English and as a result came to understand the topics better. They also renewed their enthusiasm about the law and being lawyers.

Law faculty and staff also suggested the positive nature of these visits. Many—but by no means all—faculty members similarly enjoyed having to break down complex topics and learning to explain the law to a younger audience. They absorbed the excitement about the law generated by the students. As show-persons (and many faculty members are, as we all must admit, actors in part), some law teachers loved the performance and the adulation.

Law school administrators enjoyed the visits as it gave them an opportunity to recruit future law students, especially minorities, and also permitted them an opportunity to highlight the role of the law school in the community, and perhaps, just perhaps, generate some much needed positive publicity not just for the school but also for the profession. Finally, it allowed them to work closely with local bar associations, the judiciary, and other professional entities.

The elementary and high school teachers and administrators enjoyed the “one-stop shopping” aspect of bringing students to the law school and/or having the law school develop one or more programs. They also felt much more at ease in a law school environment. Even when outside visits to a courthouse or a law firm were included, the teachers felt more comfortable when these were organized through another academic entity—the law school.

100. See, e.g., LAW, YOUTH, AND CITIZENSHIP PROGRAM, NEW YORK STATE BAR ASS'N & NEW YORK STATE EDUC. DEP'T, *LIVING TOGETHER UNDER THE LAW* (1994); Karen Hicks & Jordan Austin, *Experiencing the Legal System: Fairy Tale Trials for Fifth Graders*, SOC. STUD., Jan./Feb. 1994, at 39.

101. For more than five years, law students at the University of Tulsa College of Law have run a “mock trial” program in our Moot Court Room that is co-sponsored by the Board of Education and involves several local schools with large minority populations. In this program, law students take a nursery rhyme story and write dialogue for themselves in a “trial” to get the facts before a jury of nine to twelve year olds. Students, faculty and staff, in appropriate costumes, then act out the parts. In June of 2002, the University of Tulsa College of Law was able to obtain a multi-year grant to have law students enhance their present “Mock Trial” program.

Other programs held at Tulsa and other law schools include talks by students and faculty members at local schools on legal topics, special invitations to local schools to come to lectures by special guests, and making library facilities and computerized legal research systems, with appropriate assistance, available to high school business law and constitutional law classes or courses.

TEACHING IN A POST-SECONDARY SETTING

Some of the reasons that law schools can deliver legal education to elementary and secondary students, obviously apply to junior college, college, and non-law school graduate and professional education as well.

There are, of course, numerous courses about the law already taught at colleges and universities outside of law schools. Among the most common are constitutional law and business law courses.¹⁰² Others are designated as "policy courses" and include environmental law and policy, health law and policy, science and the law, educational law, and law and society.¹⁰³

Graduate and professional schools often have courses describing legal issues involved in the practice of their profession. These include accounting and the law (sometimes called legal accounting), tax law, medicine and the law, energy law, environmental law, media law, the law of management, international law and policy

Finally, there are specialized courses available to students in both undergraduate and graduate schools. These can include law and literature, law and the media, jurisprudence and legal theory, and agricultural law.¹⁰⁴

A mere recitation of these courses makes it clear that they are similar or even identical to ones taught in law schools to law students. In fact, because of many joint degree programs, where students can get an M.B.A., for example, at the same time as a J.D., law students often take these law related courses in other colleges.¹⁰⁵ And there are graduate degree programs, like a Masters in Public Administration or a Masters in Environmental Policy, which offer identical courses to both law and non-law students.¹⁰⁶

Finally, there are now an increasing number of "Legal Assistant" or "Paralegal" or "Legal Secretary" or "Legal Administrator" programs, some within a University

102. At the University of Tulsa, there is an undergraduate "Business Law Center" that works closely with the College of Law. Courses are co-listed and students are advised by business school and law school faculty. There is also a series of courses in the College of Arts and Sciences about the Supreme Court, constitutional law, and constitutional history. Through team teaching, joint appointments, and special lectures and seminars, the law faculty and the political science, history, and sociology faculties have developed a close working arrangement.

103. At the schools I have been associated with (the University of Florida, Albany Law School and the University of Tulsa), it was, and I assume still is, not uncommon for law faculty to teach one or more of the class sessions in these undergraduate (including junior college) classes. Sometimes, law classes which were "Law and ---" would be open to undergraduates and taught either by law or other university faculty.

104. At the University of Florida and Albany Law School, I taught a course in Oceans Law and Policy, open to students in other disciplines. At the University of Florida, another professor taught a course in Agricultural Law, open to students in both the agricultural and law schools.

105. Because of special circumstances, the faculty of the College of Law at Tulsa University allowed students to take several tax and corporations courses, taught in the business college (by a lawyer) for full credit in the law school. When we were able to secure faculty in these areas, the faculty rescinded that authorization, but did allow some specialized courses to be co-listed.

106. At the University of Florida, administrative law is taught to students in the Masters in Public Administration program. Of course, students in the joint degree program have their choice of taking it in the law school or graduate school. Similar situations could occur with environmental policy, law and medicine and agricultural policy. See FLORIDA CATALOGUE, *supra* note 60, at 9.

environment and some totally outside.¹⁰⁷ The curriculum for these programs is almost a "Reader's Digest" version or perhaps, a bar prep version of familiar topics like contracts, procedure, evidence, commercial paper, administrative law, criminal law, or estates. These courses are taught by instructors, almost always lawyers, who may or may not also be adjuncts in law schools, or teachers in other programs in junior colleges and colleges.¹⁰⁸

Like law students, the law office trainees also learn about book-based and computerized legal research, trial preparation, and record-keeping. This training is often done by the same companies and law library staff that work with law students.

A law-school based Legal Education Center could become responsible for teaching all such law-related courses. This can be done by allowing a variety of students (undergraduate; graduate; law) in one law school class or differing classes for different levels of approach. This, of course, is similar to the approach in most law programs outside of the United States.¹⁰⁹ In many countries, law is an undergraduate curriculum and may be based in a larger college.¹¹⁰ These schools may or may not have graduate law programs.¹¹¹

Some countries have both law-based undergraduate and graduate professional programs—focused on specific career tracks.¹¹² In either circumstance, the faculty teaching undergraduate and graduate students are often the same.¹¹³

Even in the United States, and depending on faculty-approved requirements, many law schools open their classes to selected junior and senior undergraduates and to graduate and professional students from other departments or colleges.¹¹⁴

107 I was able to participate in a recent ABA accreditation review of the Legal Assistant Program at the University of Tulsa. See discussion in *infra* note 108. I learned that there are basically three types of paralegal or legal assistant programs: ones run by a junior college or four-year college that offers a degree (Associates or Bachelors); ones run by a college that requires a college degree to participate; and ones not run by a university or college, usually for profit. All three types offer full-time and part-time programs. In addition, some junior colleges now offer "Legal Secretary" specialties and I know of at least one high school that teaches courses for seniors who might want to become legal secretaries after graduation.

108. At the University of Tulsa, the "Legal Assistant Program" is separately run through the Provost's office. However, the Law Dean and other faculty serve on the Advisory Committee and the Law Library and Computer Services staff provide training for them in the Legal Information Center. In addition, many of the faculty, particularly in the skills area, are also adjuncts in the College of Law. Finally, our Dean of Career Services works closely with the Legal Assistant Program in providing job opportunities.

109. Of course, undergraduate LL.B. programs were the common rule in the United States until the middle of the twentieth century. Many law schools had graduate law programs, including LL.M.s and J.S.D.s for those law students seeking continued education and expertise.

110. See Philip F. Iya, *The Legal System and Legal Education in Southern Africa: Past Influences and Current Challenges*, 51 J. LEGAL EDUC. 355, 359 (2001).

111. Compare Yoseph M. Edrey & Sylviane Colombo, *Haifa and Its Law School: Toward the Future*, 51 J. LEGAL EDUC. 338, 340 (2001), with Nadia de Araujo, *The Status of Brazilian Legal Education*, 51 J. LEGAL EDUC. 325, 329 (2001).

112. See Iya, *supra* note 110, at 359.

113. See Walter A. Stoffel, *Legal Education in Switzerland: An Example of the Continental Style*, 51 J. LEGAL EDUC. 413, 415 (2001).

114. At the University of Tulsa, the faculty has approved courses that a junior or senior can take for undergraduate credit. In addition, faculty retain the right to admit undergraduates on an ad hoc basis to their classes. Thirteen to fifteen undergraduate students in academic year 2001-02 were

In other cases, law faculty members can “cross-list” their courses under both law and another curriculum.¹¹⁵

Finally, there are faculty members who have dual or multiple appointments¹¹⁶ and others who teach courses jointly with colleagues in other disciplines.¹¹⁷

It would seem not a big jump to ask the law school to be the responsible entity to coordinate legal education in an entire University or provide legal education to those colleges and Universities without a law school. The advantages are obvious. Law faculty members would be able to broaden their teaching experience and, with cross-fertilization, perhaps also their scholarship.

For non-law faculty, their visibility and reputation might be enhanced by teaching under a law school umbrella¹¹⁸ but in any event, they would be increasingly recognized as peers.¹¹⁹

Finally, students of multiple disciplines can only be helped by enjoying a multi-disciplinary approach to their teaching by faculty and by student-colleagues.¹²⁰

As a final suggestion, law schools should also coordinate the teaching of future legal assistants, paralegals, legal secretaries or legal administrators. In some cases, law students and law alums could be invited to attend specialized classes in law office management or regular classes in contracts to better understand how what they do relates to the work staff members are being asked to do. These paraprofessionals could also meet present and future lawyers and get a better sense of their perspectives and needs.

POST-GRADUATE EDUCATION

I have never been able to understand why law schools do not have a larger role in Bar Review Preparation. It is clear, and the ABA demands, that law school education itself should not be exclusively focused on preparation for the Bar.¹²¹

admitted, on an ad hoc basis, to law classes.

115. Examples of courses at the University of Tulsa that have been or are now “cross-listed” include “Aquina de Legibus: Treatise on Law (cross-listed with the Religion and Philosophy Department); Bioethics and the Law (cross-listed with the Nursing Department); Energy Policy (cross-listed with the Petroleum Engineering Department); Real Estate Finance (cross-listed with the Finance Department).

116. At the University of Tulsa, for example, two history professors have a joint appointment in the College of Law, and two law faculty members have joint appointments: one in the Department of Political Science, and the other in the College of Engineering and Natural Sciences.

117. I taught a course jointly last year in Law and Theology with a professor from Phillips Seminary. The Seminary is presently located on the University of Tulsa campus. See MARTIN H. BELSKY & JOSEPH BESSLER-NORTHCUTT, *LAW AND THEOLOGY* (forthcoming North Carolina Academic Press 2003).

118. Any one who has sat through an appointments committee meeting at a law school or an inter-college meeting can testify that many law faculty give second-class status to teachers of law related topics in other disciplines, whether these teachers are law trained or not.

119. Teachers in other disciplines are often jealous of the salaries that law faculty members receive. If more of these individuals teach under a law school umbrella to undergraduate, graduate, and law students, there is a strong possibility that some of these differentials can be lessened.

120. See John E. Sexton, “*Out of the Box*” *Thinking About the Training of Lawyers in the Next Millennium*, 33 U. TOL. L. REV. 189, 197 (2001).

121. See ABA STANDARDS, *supra* note 14, Standard 302.

Still there is no reason why law schools cannot provide a non-credit course, in the senior year, or after graduation, on the Bar.¹²²

In my opinion, it would be especially helpful if the law faculty would teach some or all of these courses. Even non-traditional teachers would gain credibility if they are also perceived as able to teach “hard” bar passage law. Moreover, it might take some pressure off the push to teach bar exam content in regular courses.¹²³

This is not a big stretch. Law faculty now are often paid by commercial bar review courses to teach one or more subjects either live or by tape or now DVD. Having a student taught by someone he or she is familiar with, in their own classrooms and near their old library seat, would seem to make the process easier.¹²⁴ It might also help faculty understand the crossover between material taught in the law school and what is needed to pass the bar faculty.¹²⁵

Additional benefits to law school provided bar review courses could include providing a vehicle for additional compensation to faculty,¹²⁶ and subsidies to students of special needs.¹²⁷

Providing bar review courses should not interfere with the desire of some schools to be national or at least regional entities. If I am right, there will be an eventual end to state by state testing and admissions.¹²⁸ But even if things do not get that far, almost all states now give the Multi-State Exam, and preparation for this exam can be given anywhere. Even the state-based part of the exam is often national in scope¹²⁹ and even if state focused, can be given by video or other distance learning

122. *See id.* Standard 302(f).

123. *See* COMMON LAW; COMMON BOND, *supra* note 8, at 18 (comments by Dean Robert Walsh).

124. Many commercial bar review courses today are, in fact, taught in law school buildings.

125. In the last two years, the Oklahoma Board of Bar Examiners has been supplying law schools with the questions used in exams. In addition, two of the commercial bar review courses supply students, who then give us, questions used in the multi-state. I have found faculty interested in these questions—as a means to weave in “tips” and “suggestions” to their classes.

Faculty members who have taught or are teaching bar review courses indicate that they believe their classroom teaching has been improved by knowledge of what is or is not on the bar. In addition, they confirm that students—especially the sometimes jaded third-year students—seem to pay more attention to them when they mention their bar review teaching experience.

126. Faculty now receive compensation from commercial bar review courses. Having law schools provide this compensation (and here I am wearing my Dean’s hat) means that academic administrators have one more quiver—in addition to summer teaching, summer research grants, faculty travel, etc.—that they can use.

127. At the present time, some law schools provide loans for bar review courses and offer scholarships, either obtained from the commercial bar review courses or from special fund-raising. It, of course, would be much easier to provide financial support when the school is only asking itself to provide scholarships.

128. *See supra* text accompanying note 93.

129. Many law professors receive inquiries from Boards of Bar Examiners in states other than their own offering to pay for exam questions. Many of these indicate that they are concerned with “generally accepted” concepts and not necessarily those focused on the law of their state.

techniques.¹³⁰ Or law schools can, of course, develop reciprocal relationships for students in law schools in other states.¹³¹

Another obvious area for the synergy that a Legal Education Center provides is in Continuing Education. At the present time, many law schools do provide CLE (Continuing Legal Education) programs for alums and non-alums. Sometimes this is done as a service, sometimes as a revenue source, and sometimes as both.¹³²

It is unlikely that law schools will be able—politically or practically—to take over full responsibility for CLE.¹³³ Still, the changing nature of legal education does provide increased opportunities for law schools.

Law schools can open their classes or provide mini-courses for practitioners in specialized areas or even in more general areas, where a refresher course would be useful. To make this even more attractive, a law school could offer practitioners the ability to obtain a speciality recognition in one or more of the special certificate programs it offers to its students.¹³⁴

Second, with distance learning techniques, courses or mini-courses can be offered off-campus with little additional expenditure by the law schools and with ease of access by the practitioners.¹³⁵

Third, these areas of specialization can mature into Masters in Law programs for some practitioners.¹³⁶

Another area for continuing education that can be provided by law schools is to non-lawyers. Just as law courses can be opened to non-law students, such courses can be opened to non-lawyers. Business-people might want to take a course or a mini-course in Corporate Transactions. Government zoning administrators might wish to sit in on a course on land use law. Energy companies might want to organize a seminar for their employees on natural resources law. Corporate officers might want to take a course on Securities Law. School districts might send principals to a course on Education Law; hospitals send young doctors to courses on health law. Journalists and ministers could attend a course on the First Amendment.

130. Bar review courses are often given by videotape and courses on audio cassette, CD, and now DVD are also available. These are now given state by state, but there is no logical reason why a student in Virginia can't be sent by the Internet a course on Oklahoma practice, now given on videotape at the Tulsa, Oklahoma bar prep site.

131. Such reciprocal relationships already exist for placement offices. See Nat'l Ass'n for Law Placement Reciprocity Policies, available at <http://nalp.org/schools/reciprocity> (last visited Aug. 1, 2002).

132. At the University of Tulsa, for example, we provide CLE credits for those attending any of our symposia, conferences, or distinguished visitors lectures. We also provide CLE credit for lawyers taking academic year or summer courses or attending some of our alumni meetings throughout the country. Finally, we provide special CLE, like many other CLE providers, in an attempt to generate revenue.

133. For many bar associations, CLE provides essential revenue for other programs. In addition, with the onset of mandatory CLE and the increasing specialization of legal practice, it would be impossible for one entity to coordinate all CLE programs.

134. See *supra* notes 65-67 and accompanying text.

135. See *supra* notes 81-82 and accompanying text.

136. For a list of the present Masters in Law programs, see OFFICIAL GUIDE, *supra* note 8, at 821-28.

As with law students or law alums, law schools could offer certificates or even Masters degrees to these non-lawyers in some areas.¹³⁷

Last, but not least, Legal Education Centers could better fulfill our profession's obligation to inform and assist the broader public.

LAW SCHOOLS AS PUBLIC EDUCATION CENTERS

For the last twenty-five years, law schools have served increasingly as a forum for debate of public issues—all at least tangentially law-related. Seminars, symposia, conferences or special law review or law journal issues have focused on every conceivable topic—from traditional areas like criminal law and tax to less traditional “legal” areas like “The Good Society,”¹³⁸ and energy policy.¹³⁹

As noted earlier,¹⁴⁰ when the press has an issue that has even a marginal legal angle, they will increasingly call upon a law professor for analysis or commentary. Local civic organizations will invite legal academics to come to their meetings to talk about every conceivable topic—from education vouchers to society post-9/11.

Law professors are often asked to serve as consultants to for-profit and non-profit entities; to serve on Boards of Governors and Trustees; and to become paid or unpaid analysts for the media.

To provide increased visibility, many courts hold actual trials or hearings in law schools for observation by not just law students but also other students and the public.¹⁴¹

Law libraries are expected to be open to the public and be used, at least on an occasional basis, by citizens who want access to legal information.¹⁴² This trend has been accelerated by increasing use of websites and the voluntary effort of some law schools to become repositories of legal information over the web.¹⁴³

137. The ABA recently reported, as a result of information collected in its Annual Questionnaire for 2001, that 23 law schools offer more than 30 Masters degrees available to those who do not have a first degree in law. ABA STATISTICAL TABLES, PROGRAM OF STUDY, tbl. E7-102 (2002). One such program recently started at Albany Law School is focused entirely on Law for the non-Lawyer. Others focus on everything from Tax and Health to Psychology and Education, and Legal Administration.

138. For example a new journal published by the Seattle University School of Law, the *Seattle Journal for Social Justice*, has articles like Amitai Etzioni, *The Good Society*, 1 SEATTLE J. SOC. JUST. 83 (2002).

139. In the last several years, for example, the University of Tulsa has had major symposia on Biodiversity, Energy Policy, Energy Deregulation. See generally, e.g., TULSA LAW MAGAZINE, Fall 2001 and Summer 2002.

140. See *supra* notes 70-71 and accompanying text.

141. At Albany Law School, the New York Supreme Court, and its Appellate Division and the New York Court of Appeals has held hearings and arguments in the Moot Court Room. The United States Court of Appeals for the Second Circuit has also done so. At Tulsa, the United States Court of Appeals for the Tenth Circuit, the Oklahoma Court of Criminal Appeals, and the Oklahoma Court of Civil Appeals have held public hearings and arguments. My colleagues at other schools have indicated that this is quite common.

142. This is one of the reasons that both Florida and Tulsa call their law libraries “Legal Information Centers.”

143. “Jurist”—from the University of Pittsburgh School of Law—is one example of this publicly accessible website, available at <http://jurist.law.pitt.edu>.

For many years, law professors have served as leaders in pro-bono representation.¹⁴⁴ And in more recent years, law schools have been asked to provide such services through clinics,¹⁴⁵ and now through pro-bono mandates on faculty and students.¹⁴⁶

Some law schools have adopted more formalized consulting services for profit and non-profit entities. Using the expertise of faculty and the energy of students, the law school operates as a mini law firm to provide legal services. Revenues can be used to offset other law school expenses.¹⁴⁷

Over the next twenty-five years, these activities will be accelerated. As our society becomes even more complex and overlapping, what is defined as "legal" will be broadened to make "legal information" be almost synonymous with all aspects of public policy.¹⁴⁸ Law libraries will become more and more "Legal Information Centers."¹⁴⁹

Government, Bar Associations, businesses, media, political parties, charities and other groups will rely more and more on the "neutral" and academic law school to supply objective information or at least provide the mechanism for all points of views to be expressed. Some law schools will become mini-consulting firms and even specialized law firms and be seen as *the* place to go for certain information. In short, law schools will become public education centers.

This public education mandate will be combined with the other trends in broadening what is meant by legal and law-related training and expanding the role of law schools in providing that training through ever changing methods of education. The result will be that law schools will become in name and in fact, Legal Education Centers.

The final issue, then, is how deans and others can manage effectively this evolution.

CONCLUSION—THE ROLE OF THE DEAN

The transformation of law schools in the last quarter century has certainly not been without its complications. And, of course, the changes in legal education has meant changes in law school deaning. Many others have written, some in this Journal,¹⁵⁰ about the many different obligations and roles of today's dean.¹⁵¹ But

144. See *Statement of Good Practices by Law Professors in the Discharge of Their Ethical and Professional Responsibilities*, in AALS HANDBOOK, *supra* note 50, at 89, 93-94.

145. See generally Elliot S. Millstein, *Clinical Legal Education in the United States: In-House Clinics, Externships, and Simulations*, 51 J. LEGAL EDUC. 375 (2001).

146. See AMERICAN ASS'N LAW SCHOOLS, *LEARNING TO SERVE: THE FINDINGS AND PROPOSALS OF THE AALS COMMISSION ON PRO BONO AND PUBLIC SERVICE OPPORTUNITIES* (1999).

147. See, e.g., The Law Offices of Chicago Kent, *available at* <http://www.kentlaw.iit.edu/academics/clinic> (last visited Sept. 18, 2002).

148. See Thomas H. Jackson, *Why It Works: The Current State of Legal Education*, UVA LAWYER, Spring 2002, at 35, 36-37. Cf. Harold A. McDougall, *Lawyering and Public Policy*, 38 J. LEGAL EDUC. 368 (1988).

149. See TULSA CATALOGUE, *supra* note 9, at 14-15.

150. See generally Symposium, *Leadership in Legal Education*, 33 U. TOL. L. REV. 1 (2001) (including articles by 37 law school deans).

151. See generally AALS, *LAW DEANSHIP MANUAL* (1993).

the increased understanding of the skills that a dean has been forced to learn and apply will serve future deans well—and help them to cope with their new obligation to oversee Legal Education Centers.

A dean now has to work with University administrators or independent schools' Boards of Trustees on management and budget issues.¹⁵² These skills will now be helpful in demonstrating the cost savings and management sense involved in having one entity coordinate the providing of education about the law to a much broader set of parties.

The obligation of a dean to be a fund-raiser and marketer¹⁵³ will be essential as he or she now has to decide what "market" or set of markets, a particular law school must decide to focus on.¹⁵⁴

The traditional obligations of a law teacher—teaching, scholarship and service¹⁵⁵—will be the building blocks for deans to use as assessment tools. The academic leadership role of a dean can be used to assess the skills of individual faculty and staff to see which individuals would be best for working with new technology, with non-lawyer, with non-law students, and with other outside entities.¹⁵⁶

The public representation and leadership obligations of a dean will be expanded as law schools, and particularly their leaders, will be asked to provide even more coordination and information on a broader set of issues.¹⁵⁷ The networking skills of a dean today will be essential to deal with the changing nature of ABA and outside regulation, the increasing conflicts with other academic entities, the alumni concern about change, and the public's reliance on legal education and information from law schools.¹⁵⁸

My belief that law schools can, should, and will evolve into Legal Education Centers is, of course, only one vision. It may be, as others have suggested,¹⁵⁹ that law schools will continue to operate as they have before or even go "back to basics."¹⁶⁰ Or there will be no structured law schools at all and all education will be by mentoring or electronics, with little administration or central leadership by a dean.¹⁶¹ Or ----

152. See generally Smith, *supra* note 75.

153. See John A. Miller, *The Modern Law Dean*, 50 J. LEGAL EDUC. 398, 399 (2000). See generally Randall, *supra* note 75.

154. See John H. Garvey, *The Business of Running a Law School*, 33 U. TOL. L. REV. 37 (2001).

155. See ABA STANDARDS, *supra* note 14, Standard 404.

156. Two of my colleagues have used sports analogies to express the complex role of a dean in managing these present and future obligations. See generally I. Richard Gershon, *Field of Deans*, 33 U. TOL. L. REV. 49 (2001); C. Peter Goplerud III, *Observations from the Skybox*, 33 U. TOL. L. REV. 53 (2001).

157. See White, *supra* note 4, at 408 (citing a 1975 Report of the American Assembly Conference on Law and Society).

158. See generally RENNARD STRICKLAND, *THE POWER OF OUR DREAMS: CREATING A LAW SCHOOL FOR THE TWENTY-FIRST CENTURY* (1995); Miller, *supra* note 153; Read, *supra* note *

159. See generally Mayer, *supra* note 83.

160. *Id.* at 1191.

161. See Hoover, *supra* note 83, at 1203.