

ESSAYS BY AMERICAN LAW DEANS

LEGAL EDUCATION AND THE TYRANNICAL “PARADOX OF CHOICE: WHY MORE IS LESS”*

*Hannah R. Arterian***

I. INTRODUCTION

When people have no choice, life is almost unbearable. As the number of available choices increases, as it has in our consumer culture, the autonomy, control and liberation this variety brings are powerful and positive. But as the number of choices keeps growing, negative aspects of having a multitude of options begin to appear. As the number of choices grows further, the negatives escalate until we become overloaded. At this point, the choice no longer liberates, but debilitates. It might even be said to **tyrannize**.¹

READING *The Paradox of Choice* by Barry Schwartz, Dorwin Carthwright Professor of Social Theory and Social Action at Swarthmore College, drove me to consider how much of the hypothesis embedded in the title and developed in the book could be applied to legal education. In this essay, I do just that.²

II. BASIC PREMISE—THE PARADOX OF CHOICE AND SATISFACTION

A brief synopsis of Professor Schwartz’s thought-provoking book is inadequate and I urge you to take the time to locate a copy of it and to read it for yourself. I present the skeleton of the hypothesis necessary to provide a supporting organization for the issues in legal education.

Professor Schwartz recognizes that up to a point choice is necessary for human expression and satisfaction.³ At some point, choice becomes monstrous—as options multiply and overwhelm our ability to sort and to evaluate. When that

* See generally BARRY SCHWARTZ, *THE PARADOX OF CHOICE: WHY MORE IS LESS* (2004).

** Dean and Professor of Law, Syracuse University College of Law.

1. SCHWARTZ, *supra* note *, at 2 (emphasis added).

2. This essay was first presented as a talk at a conference at Osgoode Hall, Toronto, Canada in June 2006. I am most grateful to the graduate law students and the faculty in attendance at the conference for their tolerance and their feedback.

3. SCHWARTZ, *supra* note *, at 2 (“When people have no choice, life is almost unbearable.”).

occurs, and Professor Schwartz provides examples to support the position that it occurs and that it increasingly occurs in every area from retirement plans to cereal, “too many” options diminish satisfaction, and ultimately undermine it.⁴

Before examining this “paradox” in current legal education, it is helpful to outline some of the major points of the construct we take from Professor Schwartz’s work. The book provides references and descriptions of experimental validation for the thesis, in addition to a description of common experiences which demonstrate it and which will no doubt resonate with any reader in a developed economy.⁵

Professor Schwartz’s analysis of the experiments leads him to the conclusion that “too” many choices demotivate,⁶ depress, and produce profound regret. The thrill of choice is obliterated as a result. In order to make a “good” choice, Professor Schwartz posits, you have to go through a variety of thoughtful steps. With massive increases in options, it becomes traumatic to choose rather than delightful and satisfying.⁷ For example, faced with choice, the individual must know what his or her goals are and know how to assess the information about each option. Increasing information in the “knowledge economy” and the “information age” compounds the choice problem. How can the individual assess the enormous amount of information and the sources that produce it?

Schwartz, borrowing from social theorists before him, labels some individuals “maximizers” in their decision-making processes.⁸ For maximizers “only the best will do.” In order to reach their psychological comfort level, these individuals feel compelled to ensure that every choice they make among products be the BEST.⁹ Not surprisingly, with ever increasing choices and a world full of information to contextualize those choices, a maximizer is bound to be overwhelmed with what he or she needs to “know” to make “the best choice.”¹⁰

He contrasts “satisficers” who make their choice when they conclude it is “good enough.” As a result, they can make decisions without compulsion to exhaust all options and assess all information.¹¹ Schwartz recognizes that an individual can be a satisficer in one category of choice, but a maximizer in others. One of Schwartz’s theories is that we may be converting people from satisficers—individuals who will look only so far, pick well and minimize

4. *Id.* at 20 (“[A] large array of choices may diminish the attractiveness of what people actually choose.”).

5. Professor Schwartz begins his book with a description of an attempt to purchase a pair of jeans: “Now it was a complex decision in which I was forced to invest time, energy, and no small amount of self-doubt, anxiety, and dread.” *Id.* at 1-2.

6. *Id.* at 19-22.

7. *Id.* at 104 (“More choice may not always mean more control. Perhaps there comes a point at which opportunities become so numerous that we feel overwhelmed. Instead of feeling in control, we feel unable to cope. Having the opportunity to choose is no blessing if we feel we do not have the wherewithal to choose wisely.”).

8. *Id.* at 77-79.

9. *Id.* at 78.

10. *Id.*

11. *Id.* (“The difference between the two types is that a satisficer is content with the merely excellent as opposed to the absolute best.”).

regret—to “maximizers” who are driven to pick the *best* alternative from the ever increasing choice bin and ultimately are dissatisfied.¹² The “conversion” he posits, occurs when more choices are available.¹³ If we combine this theory with what we think we know is true—that individuals who choose to attend law school tend to be more driven and competitive, we probably have a skewed sample tending towards maximizers, and we reinforce that tendency by pouring on the choice and also convert people who came into law school as satisficers into unhappy (by definition) maximizers.

Why should a satisficer, who objectively has not made the “best choice,” be more satisfied than a maximizer who actually should have made the “best choice”? As Schwartz explains, the process of choosing determines your satisfaction with the decision—and can actually make your outcome objectively better as a result.¹⁴ He notes that if a maximizer is flooded with information and choice, and is striving to make the best choice, not just a “good enough” choice, the process of choosing may seriously undermine the ability to actually achieve the “best” outcome.¹⁵

Here indeed is a paradox! In order to provide a context for it, Schwartz reminds us of the reason we assume choice is a positive condition. Choice is a good because it signals control.¹⁶ When we can choose, we assert autonomy. As the research he cites demonstrates and we know from experience, lack of control is profoundly debilitating and over time produces learned helplessness in mice and men.¹⁷

The heart of Schwartz’s thesis is that more options, more information, and hence, the assumption of more control and autonomy produces profound dissatisfaction, simply because too many options and too much information means control and autonomy exist only theoretically.¹⁸ From a practical standpoint, control is lost because it cannot be practically exercised.¹⁹ Individuals may feel compelled to justify their decisions, though doing so doesn’t mean the decisions are better.²⁰

The more options, the more opportunity costs; and opportunity costs paid in making decisions lead to dissatisfaction with choices made.²¹ The trade-offs are

12. *Id.* at 225.

13. *See id.* at 96 (“It is certainly possible that choice and maximizing are not independent of each other. It is possible that a wide array of options can turn people into maximizers.”).

14. *See generally id.* at 88-89 (discussing maximizers and the subjective versus objective quality of their decisions).

15. *Id.* at 78-79. Schwartz distinguishes maximizers from perfectionists. Perfectionists “have high standards they don’t expect to meet.” And as a result, tend to be happier than maximizers. *Id.* at 90-91.

16. *Id.* at 2 (“When people have no choice, life is almost unbearable.”).

17. *Id.* at 102-03 (citing Martin Seligman’s research on “learned helplessness”).

18. *See generally id.*

19. “Too many choices may actually produce less actual or experiential control of the decision, particularly for people who feel they have to have made the best decision or choice objectively.” *Id.* at 104.

20. *Id.* at 137.

21. *Id.* at 122.

“incredibly upsetting.”²² In fact, people hate the emotional aspect of trade offs so much that “they will clutch at almost anything to help them decide . . . and chase reasons to justify them.”²³ This is compounded with the effect of and fear of regret over making the “wrong” choice. According to Schwartz’s analysis, “regret and the prospect of it” are things human beings want to avoid at all costs.²⁴

Importantly, people do not blame too many options for their unhappiness; rather they blame something about the context in which they make their choice.²⁵ With uncertainty flooding the decision-maker, status may act as the single power driver for trying to make the “best choice,”²⁶ and as increasing options confront us, even former satisficers may become maximizers.²⁷

This is a brief summary of Schwartz’s framework for analyzing various choice and information explosions and the rising levels of dissatisfaction he tries to demonstrate.²⁸

III. LEGAL EDUCATION—THE TYRANNY OF CHOICE AND ADMISSIONS

There are 195 law schools accredited by the American Bar Association in the United States today, compared to 129 fifty years ago.²⁹ That number is increasing as new law schools are founded.

How does the Schwartz Paradox of Choice theory assist in analyzing the choices individuals considering law school admission face today? Is it simply that there are more accredited law schools from which to choose? According to Schwartz, it is not only the number of options; it is the amount of information massed around choices that creates the potential for dissatisfaction.³⁰

22. *Id.* at 126.

23. *Id.* at 128-29.

24. *Id.* at 125.

25. *See id.* at 21 (“When experiencing dissatisfaction or hassle on a shopping trip, consumers are likely to blame it on something else—anything but the overwhelming array of options.”).

26. *Id.* at 94, 95.

27. *Id.* at 96, 181. One of Schwartz’s theories is that we may be converting people from satisficers—individuals who will look only so far, pick well, and minimize regret—to “maximizers,” who are driven to pick the *best* alternative from the ever increasing choice bin and, ultimately, are dissatisfied. The “conversion,” he posits, occurs when more choices are available. If we combine this theory with what we think we know is true—that individuals who choose to attend law school tend to be more driven and competitive—we probably have a skewed sample tending towards maximizers, and we reinforce that tendency by pouring on the choice and also convert people who came into law school as satisficers into unhappy (by definition) maximizers. I believe that either law school attracts maximizers or the satisficers we admit are transformed into maximizers in the law school “process.”

28. The application of Schwartz’s thesis to legal education is so obvious that readers who are legal academics need read no further but supply the rest of the text from their own observation and knowledge. If you are not a legal academic, please read on.

29. *See* ABA Approved Law Schools, <http://www.abanet.org/legaled/approvedlawschools/year.html> (last visited Mar. 13, 2007).

30. *See, e.g.,* SCHWARTZ, *supra* note *, at 53-55, 61, 73.

During the past fifty years, the 80% increase in the number of accredited law schools from which to choose is complicated by the avalanche of information that now overwhelms the applicant. The transformation of higher education (including legal education) into a market driven commodity, combined with the tools to deliver information with greater speed and public relations sophistication, amplifies the effect of the law school options.

Recognizing potential students as investors or customers who will be considering a number of options motivates the creation of the equivalent of information overload for the applicant. As the law school market became more like a real market, public relations and other information generated by law schools to distinguish one school from another exaggerate the meaningful differences in the options.

What does the applicant really know? The law school produced public relations glut stuns.³¹ Even after trying to devour all the information, how can it be reasonably assessed by a potential applicant? What can applicants do to streamline and rationalize their decision-making process? An entire industry is booming around that process—from numerous guidebooks and pre-law magazines to Internet sites and chat rooms.³² Most powerful for many would-be law students confronting the avalanche of information, the law school rankings produced by *U.S. News and World Report* each spring, timed almost perfectly with the last round of letters of acceptance and just before that first seat deposit is due, deliver a powerful information-parsing message to the beleaguered.³³

31. *Id.* at 53 (“[W]e can use various resources to help evaluate the options. But we need to know that the information is reliable, and we need to have enough time to get through all the information that’s available.”). The purpose of the law school public relations publications most probably fit his critique of advertising in assisting with choice. *Id.* (“Unfortunately, providing consumers with useful decision-making information is not the point of all this advertising.”). Perhaps that statement is extreme for law school brochures; we haven’t yet reached the level of straight advertising—all hype and no merit.

32. I need only look at my own mail slot at the office any day of the week to sense how overwhelming the information through the mail is for a potential law student. I have one child who entered law school this fall. Watching him devour a number of “guides” to law schools, read through mountains of brochures, access countless websites, talk to college classmates who were in law school, ad nauseum made me pity him his “autonomous” decision-making process! I felt blessed that I knew virtually nothing about which end was up when I was considering law school. I even discarded the application to one prestigious (I later discovered) law school because the application asked me for the names of judges who could recommend me. As no one in my family knew a lawyer, let alone a judge, it was clear this law school was not for me. More importantly, I did not feel I had missed an opportunity—today I am sure I would feel differently, because I would know that the law school was a very well-regarded law school, and that it would be good if I could find a judge to say something good about me to it.

33. The importance of the satisfaction with the way in which the decision is reached in the educational context apparently has a long lasting effect. In discussing undergraduate decisions Schwartz states:

[S]tudents who think they’re in the right place get far more out of a particular school than students who don’t. Conviction that they have found a good fit makes students more confident, more open to experience and more attentive to opportunities. So while objective experience clearly matters, subjective experience has a great deal to do with the quality of that objective experience.

This is not an essay about rankings, but certainly with the explosion of information and the increasing number of law schools, rankings were an opportunistic inevitability. As Schwartz notes, confronted with an array of choices and buried in an avalanche of information, the decision-maker feels compelled to find a shortcut that will analyze the information and rationalize the decision.³⁴ In that environment, the rankings are a heuristic. As a result of reading Schwartz's analysis, I have a greater understanding for the almost mindless reliance on law school rankings. In the hell of information overload and 193 choices—someone please make this simple! Rankings do just that—they attempt to take nuance and complexity and provide a data set that can give you a result you could not reach yourself. All the criticisms, most of them valid, of the inputs, the criteria, and the weighting that produce the rankings are mere quibbles as the decision-maker sighs relief at simplification that appears objectively determined.³⁵

Amplifying and further distorting rankings, the Internet has redefined “word of mouth” for potential law students. Chat rooms are divided (theoretically)—by current students, law applicants, and admitted students—all anonymously posting what is presented as “credible information.”³⁶ In addition, mixed in with these are “phantom posters” from law school officialdom or semi-officialdom, chatting up the positives of the institution, or “correcting” factual errors that appear in the chat thread without revealing his or her status as official mouthpieces.³⁷ The examples of ignorance and naïveté in these discussions are frequently comical. My favorite posting was one I found about three years ago in an admitted students chat room.

SCHWARTZ, *supra* note *, at 89.

34. *Id.* at 53-61 (noting the importance of such “mental shortcuts”).

35. Law school committees on admissions and professional admissions personnel face something of a mirror image distortion—as law school applications have increased enormously over the last 50 years (with some declines creating interest in the generally increasing trend line), the need for ‘heuristics’ for admission decisions has become the LSAT scores, with the index of LSAT and GPA also providing a means of at least categorizing admission files. Given the thousands of applications for admissions that flood law schools and the difficulty of making really meaningful distinctions (i.e., choices between and among many of them), the reliance on ‘objective’ factors is a comfort, even when they are not really objective.

36. Schwartz notes that “[t]he Internet can give us information that is absolutely up to the minute, but as a resource, it is democratic to a fault—everyone with a computer and an Internet hookup can express their opinion, whether they know anything or not.” SCHWARTZ, *supra* note *, at 55. “As the number of choices we face continues to escalate and the amount of information we need escalates with it, we may find ourselves increasingly relying on second hand information rather than on personal experiences. Moreover, as telecommunications becomes ever more global, each of us, no matter where we are, may end up relying on the *same* second hand information.” *Id.* at 61.

37. It would be amusing to think that everyone one in these discussion threads was actually a law school administrator masquerading as a law students or law school applicant.

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“HELP what should I do? I was accepted at Harvard and B SCHOOL.³⁸ B SCHOOL gave me a FULL SCHOLARSHIP for THREE YEARS. I don’t know what to do?”

As an aside, why ask this question to a chat room full of law school applicants who, by definition, have not actually completed law school; in fact they haven’t even attended law school? Why seek “expert” information from those as ignorant as you?³⁹

Not to fear! Intrepid applicants were happy to give advice from their vaulted vistas of self regarding ignorance. “HARVARD!” The chorus responded, demonstrating that for the posters in this chat room, there was nothing to discuss—\$100,000 of debt was an appropriate trade-off for the status of the Harvard diploma. The trade off is clear—higher debt for higher status, and status is, as Schwartz indicates, a primary driver in these otherwise complex choices.⁴⁰

The chat rooms reify the rankings. They provide a vivid demonstration of the decisionmakers needs to “clutch at almost anything” to decide. Without the information overload, which law schools geometrically increase on a monthly basis, rankings would not have the power they have acquired to help “solve” the paradox of choice.⁴¹

38. A very good law school located in Boston I will not name here.

39. More ignorant than you are as they have no knowledge of your personal circumstances. See SCHWARTZ, *supra* note *, at 55 (“Everyone with a computer and an internet hookup can express their opinion whether they know anything or not.”).

40. Another theme in this chat room is to make decisions based on schools “going up one or two spots” in the rankings, as if you were buying a CD rising on charts. Again, it is a completely understandable, if highly suspect, rationale. See *id.* at 94 (“With increased affluence, increased materialism, modern marketing techniques and a stunning amount of choice thrown in the mix, it seems inevitable that concern for status would explode into a kind of arms race of exquisiteness.”).

41. As law students move on from law school into the profession some of them become law professors, and faculty hiring has found a similar, if slightly less frenzied, choice dilemma. Fifty years ago, or even thirty years ago, connections, law review articles, academic conferences, or a trusted mentor were the likely sources to assist you in choosing “the best law school” for you to begin your academic career. Now, however, individuals entering the market with strong indicators as potential academics are in much the same situation as the law student—overwhelmed by law schools, inundated by information, part of the “big market model” of legal education—they are both decision makers and products! How to choose? Let’s go to our favorite heuristic-rankings. It worked when they were students, and it works when the academic marketplace beckons. And as law faculty members develop scholarship, they continue to be caught up, with the encouragement of law school deans and faculty mentors in the ‘status’ of the placement of their scholarly articles. This is, of course, complicated by the explosion of law reviews—both as a result of the increase in the number of law schools and, more powerfully, in the addition of two or three ‘specialty’ law reviews at many law schools. Is it more important to place your article at a second-level journal at a top ten school or a first-level journal at a lesser ranked school?

When I was an untenured faculty member long before the reader was born, there was an apocryphal story about a faculty member at our institution who was bound and determined to have his article published in the HARVARD LAW REVIEW. He did a long study of the lead articles published in the Review and crafted one that he thought would get published ... and it did. He then left for another law school, of higher rank and status. Now I am no longer sure it was apocryphal.

IV. ABUNDANT CHOICE AND CONFUSION—A LEGAL EDUCATION

Once in law school, life becomes much simpler—no more choices for the first year as most law schools have a prescribed curriculum with all or almost all courses chosen for you and your professors assigned to you. According to a recent study by the American Bar Association Section on Legal Education, the number of required courses that all law students must take has generally remained stable or decreased, and the overwhelming majority of those required course are confined to that first blissful year of no choice.⁴² However, the no-choice relief is short-lived.

As faculty sizes have increased, so has the variety of courses. As the need to meet practical skills training has increased, so has the variety of courses. The requirements for additional writing—both as a result of accreditation standards and the pressure from the bar—have provided more course options. The explosion in legal niche practice, the increase in interdisciplinary work, joint degree programs, certificate programs—just wait until the second and third years of law school for the choices to overtake you.⁴³ Law students fret about those choices long before they must make them when they register for their second year.

Law school curricula now resemble the “shopping malls” of undergraduate education described by Schwartz.⁴⁴ Students arrive from the undergraduate mall, go through a narrow corridor all together with no choices to make (the one-L experience) and arrive at another mall, the mall of upper division Legal Education.⁴⁵ Here students face different pressures in their choices.

As Schwartz describes, the more options you have, the more trade-offs you must make and the more discontent you are with your decisions because trade-offs make humans unhappy. In the selection of your upper division courses you clearly forfeit some offerings to get others. Your decisions seem more important than in undergraduate school because this is the last stop on the tour of

42. ABA SEC. LEGAL EDUC. & ADMISSIONS TO THE BAR, A SURVEY OF LAW SCHOOL CURRICULA: 1992-2002, at 23-28 (2004) [hereinafter CURRICULA SURVEY].

43. According to the Curricula Survey, “a picture emerges of significant growth, primarily in the upper division curriculum. Law schools are expending considerable resources and labor-intensive courses, including skills and simulation courses, and are offering a greater selection of specialized electives to students who, with fewer upper division requirements, are free to explore a wide range of eclectic opportunities.” *Id.* at 6. And be overwhelmed by choice. “In general . . . law schools reported very few decreases in upper division curricula [from] 1992-2002 . . . 87% indicated . . . an increase in . . . upper division offerings.” *Id.* at 33.

44. SCHWARTZ, *supra* note *, at 15 (describing the “modern university as a kind of intellectual shopping mall”). In that mall, “individual customers are free to purchase” whatever bundles of knowledge they want, and the university provides whatever its ‘customers’ demand. *Id.*

45. CURRICULA SURVEY, *supra* note 42, at 6 (“The pressure from law school rankings coupled with the lean applicant years of the middle 1990s may also have contributed to law schools’ desires to individuate themselves from their peers. Specializations, joint degree programs and other niche creating vehicles have grown considerably during this decade, and perhaps in part in an effort to attract qualified applicants in an extremely competitive market.”).

Educational Malls. Jobs are the next step (the Mall of Jobs?).⁴⁶ More choices, greater importance, and less personally informed decision-making are the unhappiness ingredients of the second and third year of legal education. How do you compare and measure an externship for six months against courses or clinics? What do you gain or lose? Take a clinic? Instead of what? Should you do a semester abroad program or a summer abroad program? These dilemmas flow directly from Schwartz's analysis.

But there are compounding effects to consider. The increasing number of curricular choices produces actual conflicts—it is not just that there are only so many courses you can take in a semester, increasing numbers of courses produce actual course conflicts which interfere with or distort your choice. There are no empty classrooms during the day and the teaching day expands.

Third, when you see more you want more. If we now offer three or four or five courses in an area, the student quickly loses the sense of appreciation at the variety and grows a sense that the “right” course for him or her is not available. Discontent with the abundance you have to choose from is not uncommon.⁴⁷ The more you options you have, the more you want to consider choosing from, and the additional choices mean you have more conflict.

Thirty years ago, specialty or certificate programs in law schools were uncommon. Few law schools had more than one “center.” Now there are multiple certificate or specialty programs.⁴⁸ How do you decide what to do as a student? These options push students into major curricular investments they think will help their careers. Now students aren't trading off one course for another, they are trading off one “specialty” for another. What is lost? Is it over investing in an area that may or may not prove helpful in the market?

The expansion of choice in “boutique” courses has several causes, but it is, in part, a product of faculty push to teach what they want to teach—faculty members have much greater choice in their course offerings today than fifty years ago. Faculty are frequently expected to pick up a core first-year or upper division course, but allowed to range freely in their other interests. The result is the sorcerer's apprentice curriculum.⁴⁹ Courses and seminars approved and taught once or twice; faculty struggling to figure out what they can teach from a list of ever increasing possibilities; students wondering why courses are listed

46. The issue of career choices is yet another aspect of the increasing of the tyranny of choice problem for law students.

47. SCHWARTZ, *supra* note *, at 186 (“The proliferation of options seems to lead, inexorably, to the raising of expectations.”). *See also id.* at 167-68 (“We get used to things, and then we start to take them for granted.”); and *id.* at 168 (“Because of adaptation, enthusiasm about positive experiences doesn't sustain itself ... and people seem generally unable to anticipate that this ... will decrease pleasure over time.”).

48. *See CURRICULA SURVEY, supra* note 42, at 32.

49. Dissatisfaction results because a “large array of choices may diminish the attractiveness of what people actually choose” because they are thinking about what they did not take. SCHWARTZ, *supra* note *, at 20. “By the time we're done with our search we may look back in horror at all the alternatives we considered and discarded along the way.” *Id.* at 21. Further, Schwartz cites studies demonstrating that “the cumulative opportunity cost of adding options to one's choices can reduce satisfaction.” *Id.* at 135.

and not taught; a feeling of entitlement in choice but less satisfaction with those choices.⁵⁰

V. TYRANNICAL END GAME?

Unfortunately, Professor Schwartz's approach to dealing with the paradox he so ably portrays struck me as a self-help exercise.⁵¹ I may need more time to think about the ways in which the suggestions he has could be converted programmatically. He notes the increase in depression which he connects to the overwhelming choices leading to a sense of lack of control.⁵²

The one message I have taken from the application of the Paradox of Choice to legal education is that we have limited ability to affect the tyrannical hold it has on our institutional function. One area in which we could expend resources and effort would be in re-conceiving the role of Student Services. I realize that some law schools have made progress in a "blow it up and start from scratch" concept change, but I think most law schools have continued to expand a menu of available services, without truly understanding the revolution the "more is less" effect is causing and will continue to cause. We are not in a position to eliminate choice in the curriculum or to squash organizations or programs simply because they cause more overload and stress for students who must face the options and make choices. But we should be developing thoughtful on-going student-centered interaction in departments designed to address this reality. That is another major challenge, simply because at the same time that these issues are addressed, we have to ensure that we are encouraging, or even forcing, professional development. Professional development requires making informed choices and accepting responsibility for those choices. Professional maturity may mean developing awareness of the effects of the Paradox of Choice. I do think we can and must enfold the concept and its effects into the administrative focus on legal education. There are numerous ways to accomplish this—but it

50. The choices are not limited to the curriculum—students must choose to join student organizations based on affinity groups (BALSA, LALSA, etc) or political views (National Lawyers Guild, Federalist Society), and intellectual and professional interests (moot court, corporate law society) for example. They may also feel compelled to do or interested in doing community service or pro bono work—with an enormous range of choices from which to choose. Law schools have regular and sometimes overwhelming numbers of speakers, and for students attending law schools in a university, the panoply of choice is even greater. Law school departments cram the schedule with programming—career services, professional development, alumni affairs all add to the choice nightmare for students.

In addition, the explosion in second and third law reviews at many institutions lure students with another set of choices providing a 'credential' sought by many individuals who either are not selected for or choose not to compete for the 'traditional' law review at a law school. Students feel compelled to run at any number of these activities and programs. See Schwartz, *supra* note *, at 158 ("Studies ... show that not only is regret an important consequence of many decisions, but the prospect of regret is an important cause of many decisions.").

51. *Id.* at 221-26.

52. *Id.* at 201-17.

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cannot be haphazard or by chance. It will be complicated and it may not be fully successful, but it must be faced.

In this essay, I merely touched on a few of the areas in which the Schwartz book “speaks” to me as a dean and as a member of the legal profession. There are many other applications—including the Paradox of Choice donors face today in choosing their philanthropic goals. Perhaps that is a subject for another foray into the Paradox of Choice and legal education.