

GATHERING AND PLANTING LEGAL ACORNS

*Nicholas W. Allard**

PROLOGUE

“Your leadership shapes the lawyers of tomorrow – no pressure.”

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Nicholas W. Allard is an educator and lawyer with national and international prominence in higher education, public policy, United States (U.S.) and global government relations, technology, and innovation. He is the Founding Randall C. Berg, Jr. Dean of the Jacksonville University College of Law, which welcomed its first students in 2022 and received its initial ABA accreditation in early 2024.

“Nick” served as Joseph Crea Dean (2012-2018) and concurrently as President (2013-2018) at Brooklyn Law School. At Jacksonville University, he is a tenured professor of law and serves on the faculty of the University’s Public Policy Institute. Nick’s work in government service, higher education, and numerous volunteer leadership roles has straddled partnerships and management roles in some of the world’s most highly regarded law firms. He is a graduate of Princeton’s School of Policy and International Affairs; Oxford as a Rhodes Scholar earning an M.A. in Politics, Philosophy, and Economics; and Yale Law School. Nick is a Bodley Fellow at Oxford University’s Merton College, where he serves as President of the Merton College Charitable Corporation. He is a long-time Trustee of the Shakespeare Theatre Company in Washington, D.C. Recently, he was recognized as a Barrier Breaker by the Jacksonville Women’s Lawyer Association, a Top Newsmaker by the Jacksonville Daily Record, and received the George Parkin Service Award from the Rhodes Scholarship Trust. The Rhodes Trust features video interviews of Nick’s oral history and also highlights his work as a global leader in higher education on its website. Nick has been a member of the ABA Standing Committee on Government Affairs, chaired its Communications Committee, and chaired its Standing Committee on the Law Library of Congress. This article is the author’s fifth to appear in the University of Toledo biennial “all law deans” issues. The previous articles are: *A Dean Grows in Brooklyn*, 46 U. TOL. L. REV. 273 (2014); *Nonsense You Say*, 48 U. TOL. L. REV. 189 (2017); *Loves Labors Found*, 50 U. TOL. L. REV. 219 (2019); and *Sweet Are the Uses of Adversity*, 52 U. TOL. L. REV. 197 (2021).

That was one of the prophecies inside the fortune cookies that our friend, and longtime New York Law School Dean, Anthony Crowell, served to all the law deans attending the 2025 ABA-AALS Deans Week in Lower Manhattan.¹ Outside it was a blazing hot July in the Big Apple, and so were the topics inside.²

The self-evident truth of the aphorism on a small slip of paper that was hidden inside a fortune cookie is that students are our purpose, not our excuse, for having law schools. It reminds us why we teach, study, learn, and uphold law. Our mission is to transmit and expand knowledge of law, along with the skills and values to use that knowledge in the service of others. Our goals are, through the rule of law, to promote justice, equality, opportunity, and the peaceful well-being of people and the world we all share.³

1. Deans' Week 2025 (July 13-18, 2025), formally known as the 2025 ABA/AALS Deans' Workshops and Development Conference, convened at New York Law School. The planning committee's host, New York Law School Dean Anthony Crowell and his dedicated, talented faculty and staff, organized an incredibly, substantively informative event with terrific hospitality. In addition to fortune cookies, the amenities included an amusing gift bag of a large number of tongue-in-cheek gifts like a stick of gum, a small candle, a safety pin, two pennies, a lifesaver, etc., from University of Arkansas School of Law Dean Cynthia Nance—a highlight of the concurrent social program of a convivial dinner at Metropolis in the World Trade Center Perelman Performing Arts Center.

2. The packed agenda included workshops for new deans with less than one year's experience, a full schedule of presentations and lively discussions for all deans, the ABA Development Workshop, and a retreat for independent law school deans. The agenda covered the full range of contemporary issues affecting law school management, including the leading economic, political, cultural, and technological challenges of our times. Perhaps the liveliest and, as it turns out, mostly productive session was the Wednesday, July 16, 2025, "Meet the ABA Council" session, in which law deans had the opportunity to hear from council leadership regarding increases of required credit hours for practical education, a proposal which, subsequently, was put on hold.

3. The concept of the Rule of Law is invoked so often and is so widely regarded as an indispensable foundation of democracy, including the U.S. constitutional republic, that it can be assumed to be self-evident and taken for granted. Neither assumption is correct. Here we will rely on the definition and accompanying discussion, *What Is the Rule of Law?*, WORLD JUST. PROJECT, <https://worldjusticeproject.org/about-us/overview/what-rule-law> (last visited Dec. 18, 2025) (quoting co-founder & CEO of World Justice Project: "The rule of law is the foundation for healthy communities of justice, opportunity, and peace."). In illustrative part, the Rule of Law is further described by the World Justice Project (WJP) as "a durable system of laws, institutions, norms, and community commitment that delivers four universal principles: accountability, just law, open government, and accessible and impartial justice: (1) Accountability. The government as well as private actors are accountable under the law. (2) Just Law. The law is clear, publicized, and stable and is applied evenly. It ensures human rights as well as property, contract, and procedural rights. (3) Open Government. The processes by which the law is adopted, administered, adjudicated, and enforced are accessible, fair, and efficient. (4) Accessible and Impartial Justice. Justice is delivered timely by competent, ethical, and independent representatives and neutrals who are accessible, have adequate resources, and reflect the makeup of the communities they serve. The[se] four universal principles are building blocks for any rule of law system." *Id.*; see also James Huffman, *Legal Education and the Rule of Law*, 60 CAL. W. L. REV. 571, 572 (2024) (discussing the rule of law). Professor Huffman addresses what he observes as many signs of a decline in the 21st century of legal education's and practitioners' focus on and adherence the rule of law, a principle variously defined at least since Aristotle, which he succinctly defines as: "All persons, entities and institutions (including government and governors) are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated." *Id.*; see STEVEN LEVITSKY & DONALD ZIBLATT, *HOW DEMOCRACIES DIE* (2018).

What law deans and legal educators do is gather and plant acorns of ideas, concepts, principles, rules, and most of all, new lawyers. When we get it right, we equip our students with awareness, knowledge, and training to use the most powerful tool humans have ever invented to fix what is broken in our fraught world; that is, a legally trained mind. Our students also learn that they are obliged to become teachers and role models themselves, not only for new generations of lawyers who will follow them, but also to educate the public about how our system of equal justice under law is supposed to work in our constitutional democratic form of limited self-government of, by, and for the people.

Law deans, with the support of all their colleagues in their academic and professional communities, cultivate future legal oaks whose comforting restorative shade and safe shelter will someday benefit others. And that is no small thing. The imagery of the rule of law—as a thick forest of protective trees—is reflected in the famous “Devil Speech” from “A Man for All Seasons,” the dramatization of the life and martyrdom of Sir Thomas More.⁴ It is a metaphor that can help sustain and

Actually, it may be a surprise for a lawyer in America, the United Kingdom, or in a common law heritage country, to learn that the phrase “rule of law” is not unquestionably, unreservedly embraced globally. For example, earlier this year in conversations with international law deans and law faculty from all over the world the author heard from non-U.S. colleagues who expressed some level of caution, discomfort, and even distrust of the expression and its potential to be used to justify undemocratic practices and regimes. Apparently, the phrase can be associated with autocratic governments that constrain democratic practices and individual rights and liberties in the name of the Rule of Law. The author is grateful for the insights into this phenomenon offered by William C. Hubbard, Dean of the Joseph E. Rice School of Law, University of South Carolina, former ABA President, and Chair of WJP. Dean Hubbard explains, “There has always been some unease about the term ‘Rule of Law.’ Like any term or word, it can be co-opted and used for pernicious purposes. That is why we must constantly remind the public of the definition and its essential elements. The World Justice Project definition was constructed after consultation and vetting with scholars and experts from over 100 countries. For shorthand, some of us contrast ‘Rule of Law’ with ‘Rule by Law’ and ‘Law by Ruler,’ terms which more accurately describe authoritarian regimes.” September 2, 2025, email to the author from William C. Hubbard.

In some relatively younger post-colonial countries, the rule of law is a term with overtones of imperial rule. Another reason for reluctance to embrace the term may be found in recent commentary about how countries such as Brazil and India have been breaking away from American dominance to preserve and enhance their national freedom of action. Matias Spektor explains, “They watched the United States abandon negotiations it disliked, exempt itself from international jurisdiction, and interpret ‘rules-based order’ to mean ‘our rules, your compliance.’ The lesson is that even benevolent hegemony eventually abuse their power—and that emerging countries could never afford to be entirely dependent on the United States.” Matias Spektor, *These Countries Never Trusted America. Trump Is Proving Them Right.*, N.Y. TIMES (Aug. 26, 2025), <https://www.nytimes.com/2025/08/26/opinion/trump-brazil-india-tariffs.html>. “Imagining a world with no hegemony,” N.Y. TIMES, A1 (Aug. 29, 2025).

4. See William C. Duncan, *Why We Need to “Give the Devil the Benefit of Law,”* SUTHERLAND INST. (Sep. 27, 2023), <https://sutherlandinstitute.org/why-we-need-to-give-the-devil-the-benefit-of-law/> (Historically, there have been many times when arguments have been made to set aside established law because of a compelling or higher purpose, or in response to an emergency. Once an exception is made, others soon follow, and often the result is bad or embarrassing.); see also JUDGMENT AT NUREMBERG, Amazon Prime, at 02:55:45 (Roxlom Films Inc., 1961) (In one of the final scenes at “the so-called ‘Judges Trial’” of senior German jurists accused of complicity with Nazi genocide, the presiding judge for the Allies, played by Spencer Tracy, visits a convicted German Judge, played by Burt Lancaster, in his jail cell. The German judge says that he despised the Nazis

motivate us to stubbornly carry on as we grapple with the daily grind and the epic challenges of our times.⁵

For the immediate near term, and as far ahead as our vision can perceive in the 21st century, every sector, including higher education, will be buffeted by the same chaos, uncertainty, political and cultural polarization, contention, unpredictable government intervention and regulation, proliferating litigiousness, as well as disturbing dangerous threats to people everywhere. For the foreseeable future, disruptive change for good and bad, divisiveness, unrest, tumult, violence, and human-made and natural emergencies are givens.⁶

Accordingly, the most successful educators, and certainly law deans, will script and perform the future story of their academic institutions through five thematic acts: Value, Adaptation, Purpose, Urgency, and Needs.

ACT ONE: VALUE

We can no longer take for granted that higher education, and legal education in particular, is considered a springboard to the American Dream. For the first time in living memory, despite compelling evidence to the contrary, it is increasingly

but nevertheless ruled in their favor for expediency in the name of a higher purpose when he knew they broke the law, claiming he never knew it would lead to mass extermination.). *See generally* ROBERT BOLT, *A MAN FOR ALL SEASONS* (1960); *A MAN FOR ALL SEASONS*, Amazon Prime, at 53:00 (Highland Films, 1966) (In a scene from Act One of the play, and in the film adaptation that won six Academy Awards, in a scene set before a family dinner in his home, More's future son-in-law, William Roper, urges him to arrest the unscrupulous Richard Rich whose perjury will eventually lead to More's execution. More answers that Rich has broken no law, "And go he should if he were the Devil himself until he broke the law!" Roper is appalled at the idea of granting the Devil the benefit of law, but More is adamant. "What would you do? Cut a great road through the law to get after the Devil?...And when the last law was down, and the Devil turned round on you—where would you hide, Roper, the laws all being flat? This country's planted thick with laws from coast to coast—Man's laws, not God's—and if you cut them down—and you're just the man to do it—d'you really think you could stand upright in the winds that would blow then? Yes, I'd give the Devil benefit of law, for my own safety's sake.").

5. *See generally* BOLT, *supra* note 4 (More's steadfast principles cost him his life. More refused to recognize the King as a supreme unaccountable leader who could bend or ignore the law to serve his own purposes. Martyred by the Tudor despot, canonized by his church, and to this day the patron saint of government leaders and politicians. In the theatre and film productions Sir Saint Thomas More also observes, "[W]hen statesmen forsake their own private conscience for the sake of their public duties...they lead their country by a short route to chaos." Undeniably a relevant concern today. America's founders were not timid souls. Two hundred years after More's martyrdom as ordered by the British king, America's founders, including as many as thirty-four of the signers of the Declaration of Independence who were lawyers risked their property, reputations, livelihood, and very lives standing up to a powerful king for law and democracy.).

6. For some time, the formidable challenges and responses of successful academic leaders have been an evolving theme of the author's remarks and writings. *Academics, Lawyers & Government: Who Is Leading Higher Education in the 21st Century?*, TOURO L., <https://www.tourolaw.edu/about/tourolaw/higher-ed-conference> (last visited Dec. 18, 2025); *Law Review Symposium: A Celebration of Professor Catherine Carpenter's Impact in Law and Academia*, SW. L. SCH.: L.A., <https://www.swlaw.edu/LawReview2025> (last visited Dec. 18, 2025); *Leadership Academy at Touro University*, TOURO UNIV., <https://www.touro.edu/departments/office-of-the-provost/faculty-resources/latu/> (last visited Dec. 18, 2025) (referencing the April 23, 2025, meeting titled *Preparing for and Leading When the Inevitable Happens...the Unexpected*).

common for people to doubt the worth of a post-secondary degree.⁷ Successful educators, including law deans, must be able to articulate the value proposition of their institution in terms of lifelong earnings, professional accomplishments, and accolades.⁸ It also is imperative that they champion the intangibles such as the value of knowledge, self-worth, satisfaction, and the gratification of meaningful service to others.⁹

We certainly need to articulate and emphasize the value of transmitting legal knowledge and skills, while also vigorously championing the priceless worth of scholarly inquiry that tests, expands, and improves both knowledge and skills, including how we can best teach new concepts and techniques to students.¹⁰

7. A tiny representative sample of studies and commentaries on this subject includes: Richard Fry et al., *Is College Worth it?*, PEW RSCH. CTR. (May 23, 2024), https://www.pewresearch.org/wp-content/uploads/sites/20/2024/05/ST_2024.5.23_non-college-workers_REPORT.pdf; Jessica Blake, *Doubts About Value Are Deterring College Enrollment*, INSIDE HIGHER ED (Mar. 13, 2024), <https://www.insidehighered.com/news/students/retention/2024/03/13/doubts-about-value-are-deterring-college-enrollment>; Courtney Brown, *Do Students and Society Still Value Higher Ed?*, LUMIA FOUND. (Mar. 13, 2025), <https://www.luminafoundation.org/news-and-views/do-students-and-society-still-value-higher-ed/>; Jamie Merisotis, *Higher Education's Big Test: Proving the Value of College Degrees*, FORBES (Mar. 27, 2025), <https://www.forbes.com/sites/jamiemerisotis/2025/03/27/higher-educations-big-test-proving-the-value-of-college-degrees/>. Interestingly, the trend for applications to graduate education in law schools which require a tertiary undergraduate degree for admission is sharply countering this trend, at least for now according to data collected and published by the ABA and Law School Admissions Council (LSAC). It would be worthwhile to move the reasons for this phenomenon from informed speculation to more formal study.

8. The gold standard, in the author's opinion, for the data-driven study needed to make the case is Derek Bok's and the late William G. Bowen's book, *The Shape of the River* (1998). Their book analyzed the longitudinal data base of the post graduate lives of 45,000 college students to study the impact of race-sensitive admissions policies. That approach would illuminate the ongoing national conversation about the personal and societal "return on investment" of education at every level. WILLIAM G. BOWEN & DEREK BOK, *THE SHAPE OF THE RIVER: LONG-TERM CONSEQUENCES OF CONSIDERING RACE IN COLLEGE AND UNIVERSITY ADMISSIONS* (1998).

9. See Emily Wielk & Tristan Stein, *Measuring the Return on Investment of Higher Education: Breaking Down the Complexity*, BIPARTISAN POL'Y CTR. (Apr. 4, 2024), <https://bipartisanpolicy.org/explainer/measuring-the-return-on-investment-of-higher-education-breaking-down-the-complexity/>; Preston Cooper, *Does College Pay Off? A Comprehensive Return on Investment Analysis*, THE FOUND. FOR RSCH. ON EQUAL OPPORTUNITY, <https://freopp.org/whitepapers/does-college-pay-off-a-comprehensive-return-on-investment-analysis/> (last visited Dec. 18, 2025); Jamie Merisotis, *On the Value of College, Higher Ed Has a 'Great Choir' of Supporters—But Many People Can't Hear the Music*, FORBES (Sep. 6, 2023, at 09:44 ET), <https://www.forbes.com/sites/jamiemerisotis/2023/09/06/on-the-value-of-college-higher-ed-has-a-great-choir-of-supporters-but-many-people-cant-hear-the-music/>; Shawn VanDerziel, *The Value of Higher Education*, NAT'L ASS'N OF COLLS. & EMPS. (Dec. 1, 2023), <https://www.nacweb.org/talent-acquisition/trends-and-predictions/the-value-of-higher-education>.

10. See Nicholas Allard, *Commentary: Innovation Is Imperative in Legal Education*, JACK. DAILY REC. (Nov. 7, 2024, at 01:05 ET). The article opens with the admonition that educators including law schools need to be both preservationists who teach what is known and properly done and disruptors who expand what is knowledge through research and innovation including how to teach, train, and practice in the best possible ways. Educators should be both the custodians of the past and innovators. They are not and should not be "enemies of the future." These phrases are drawn from remarks of Professor Nicholas Cole, Oxford University's Pembroke College Senior Tutor, who is a U.S. constitutional law scholar, offered at a dinner celebrating Pembroke College's 400th

The arts and humanities, of which the study of law is a symbiotically interwoven intellectual discipline, are inherently valuable. In combination with STEM¹¹ subjects and practical job-oriented instruction, they are vaccines protecting society from obsolescence, irrelevance, inequality, authoritarianism, economic distress, exploitation, unethical behavior, injustice, and other dangers.¹²

That helps to explain why legal education matters a great deal. Law deans may be proud and find satisfaction from their demanding pastoral role in legal education because the rule of law matters.¹³

anniversary after a brilliant lecture by the author's Rhodes Scholar classmate Walter Isaacson about the curiosity, imagination, and drive of modern history's greatest innovators.

11. I.e., Science, Technology, Engineering, Math, and Medicine.

12. *2012 President's Commencement Address*, PRINCETON UNIV. (June 5, 2012, at 13:00 ET), <https://www.princeton.edu/news/2012/06/05/2012-presidents-commencement-address>. The author acknowledges that he originally heard this insight from Princeton University President emerita, Dr. President Shirley Tighlman, and world-renowned molecular biologists who mapped the human genome. Dr. Tighlman expressed the concept on several occasions. Note, e.g., her full-throated defense of the value of the liberal arts in her commencement address to the Princeton Class of 2012. *Id.*

13. Nicholas Allard, *Teaching Law with Pastoral Care Is a Source of Joy and Fulfillment*, JACK. DAILY REC. (Nov. 6, 2025, at 01:30 ET), <https://www.jaxdailyrecord.com/news/2025/nov/06/teaching-law-with-pastoral-care-is-a-source-of-joy-and-fulfillment/>; Nick Allard, *Law Matters: Why Tomorrow's Lawyers Are More Important than Ever*, THE NAT'L JURIST (Oct. 7, 2025), <https://nationaljurist.com/law-matters-why-tomorrows-lawyers-are-more-important-than-ever/>. The shortness of the average term of service of law deans in the U.S. evidences both the demanding nature of the job as well as the demand for the talents of lawyers and law deans to serve colleges and universities in other capacities as well as lead other organizations of all kinds. *See generally* PATRICIA E. SALKIN, *MAY IT PLEASE THE CAMPUS: LAWYERS LEADING HIGHER EDUCATION* (Touro Univ. Press 2023) (2022) (Dr. Salkin's book is an unprecedented empirical data-rich comprehensive study of the history and trends of the long-standing impact of lawyers on higher education, including law deans. The book especially tracks and analyzes the rising numbers of lawyers serving as college and university presidents.).

With tongue firmly in cheek, since escaping back into the decanal fray after closer contact and a refresher course in the daily struggles in the lives and work of people outside the academy, the author notes here with friendly bemusement the preoccupation of the communities of law deans with stress management and self-care, especially whenever more than a few gather. One wonders whether this focus perversely increases stress and anxiety. Recently at such a deans' conclave in a breakout workshop, the participants were asked to describe one thing each of them did each day to alleviate stress. When it was my turn, I had to admit that I did not understand the question, because I did not get stress, I gave stress. I admitted, however, that the program was giving me some worry about what I was missing! Every so often we hear the crude cliché that a law dean is like a fire hydrant that everyone relieves themselves on. Perhaps that's true to some extent, but if you go into this job with the mindset that you are put upon and burdened, and that you are entitled to people's gratitude for your efforts, you are setting yourself up for a pretty unpleasant ride. Sure, it's difficult, but the energizing, motivating personal satisfaction and psychological benefits of purposeful important work can put a spring in one's step. The author is grateful to the incomparable John Sexton, President emeritus of New York University and former NYU Law Dean, for this insight (Oprah Winfrey advised me to stop name dropping, but I can't help it). John shared this wise advice over a memorable lunch at his personal oasis at the now sadly shuttered Volare's in Greenwich Village. On that occasion, I felt as if I was trying to catch a sip at his "fire hydrant" of ideas. You also no doubt have heard the stale chestnut that a law dean is like a funeral director, with many people under you, but no one listening. This has not been my experience. Indeed, one of the lessons a new dean must learn is how intently everyone seems to be listening and watching. To pick a rather ridiculous, trivial example: if, at a reception, I choose a slice of pizza with anchovies because I think the supply of

Law and legal rules, like creative arts, as well as the unprogrammable elements of our emotions, and the sentient essence of what it means to be human, distinguish us from beasts and other living things, and set us apart from the mindless, soulless machines, and monsters that people invent, enable, or imagine.

Tens of thousands of years ago, cave dwellers blew pigments onto their hands to make stencils on rock walls to register their existence and express their personhood. For at least as long, communities of people have embraced law, that is, shared rules, as an instrument to satisfy their purposeful desire to represent and record who they are, establish how to communicate and interact with others, and live together in communities of people with shared responsibilities in relative peace and harmony while dreaming and working to improve their lives.¹⁴

What law has promised throughout history, it has delivered, although imperfectly.¹⁵ The proof point is that law has always been the indispensable foundation of civilization and an engine of progress. At least since ancient Greek

other kinds of pizza might not meet the demand, suddenly everyone starts serving me more anchovies, which, fortunately, I actually like, at every reception, all the time. I don't have to tell any reader of this piece that many in the law school community hang on your every word and watch everything you do. But, seriously, notwithstanding all the storm clouds of doom, serving as a law school dean thankfully, because of, not despite, the constant difficult demands and frustrations of the job, is unceasingly rewarding. True, if you do not like people, and prefer introspection to engagement with others, then you might not enjoy this position. But, if you derive any inkling of warmth from other people, I highly recommend the life of the law school dean. Every day you are in touch with students, faculty, staff, trustees, alumni, members of the bar, and the larger community. What could be better?

14. Jeffrey Rosen in his brilliant book about the meaning and etymology of the iconic but misunderstood phrase “the pursuit of happiness” describes it as the restless virtuous pursuit of self and social improvement, tracing its evolution from its historical origins in ancient Greece to the Jeffersonian aspirational ideal of America’s founders. JEFFREY ROSEN, *THE PURSUIT OF HAPPINESS: HOW CLASSICAL WRITERS ON VIRTUE INSPIRED THE LIVES OF THE FOUNDERS AND DEFINED AMERICA* (2024) (Greek and Roman moral philosophers who inspired the Founders are the foundation of Rosen’s theme that runs through each of the twelve chapters in his book which demonstrates how the Founders understood the pursuit of happiness as a quest for being good, not feeling good—the pursuit of lifelong virtue, not short-term pleasure. Among those virtues were industry, temperance, moderation, and sincerity, all of which the Founders viewed as part of a daily struggle for self-improvement and character development. As Rosen writes, the Founders believed that political self-government required personal self-government. *The Pursuit of Happiness* seeks to illuminate the Founders’ reasons for identifying “the pursuit of happiness,” along with life and liberty, as an unalienable right. To do so, Rosen profiles six of the most influential Founders—Benjamin Franklin, George Washington, John Adams, Thomas Jefferson, James Madison, and Alexander Hamilton—to uncover what pursuing happiness meant to each of them.). Thomas Jefferson and Benjamin Franklin, for example, for all their flaws, were iconic path clearers in a challenging time marking the gradual, imperfect, incomplete expansion of freedom and setting the course for eventually slowly leading expanding inclusion of variously excluded groups to the privileges and blessing of liberty. For Jefferson, this involved a relentless pursuit of self-betterment through scholarship, earning, and other disciplined virtues. It was about being good through virtues, not feeling good through libertine pleasure. That Jeffersonian concept of persistent assessment and self-betterment, Rosen explains, was foundational for the country itself. *Id.*

15. The core attributes of the rule of law have been constant since the birth of democracy and have long been at the core of American social, economic, and political life, while their absence in other democracies which followed America led to the demise of democracy leading to authoritarian governments. See discussion, *What Is the Rule of Law?*, *supra* text accompanying note 3; Huffman, *supra* note 3, at 571-72; LEVITSKY & ZIBLATT, *supra* note 3, at 23-24, 97-117.

times, the aspirations for democracy have always depended on justice under the rule of law.¹⁶

Today in our difficult troubling times, learning about and using law can lift us from fear, mediocrity, complacency, acquiescence, forced conformity, and our

16. See Nicholas W. Allard, *Independent, Impartial, Competent Judges Are the Cornerstone of Democracy*, A.B.A.: JD REC. (Oct. 6, 2025), <https://www.americanbar.org/groups/judicial/resources/jd-record/2025/independent-impartial-competent-judges-cornerstone-democracy/>. The invention of democracy including the indispensable role of judges and juries can be traced back to ancient Greece. It is the subject of the “Oresteia,” a three-part tragic play by Aeschylus, and Homer’s related mythical epic poems about the Trojan War and its aftermath in the Iliad and the Odyssey. Notably, the final part of the Oresteia trilogy ends the cursed murderous history of the House of Greek King Agamemnon. It culminates by supplanting the whimsical selfish power of Gods, royalty, and outcomes driven by serendipity, influence, force, greed, immorality, human revenge and retaliation. Instead, a dispute is resolved by an unbiased judge applying the law, and a jury determining the facts. Then there is “The Judgment of Paris,” which is a Greek mythological story about the events that led to the Trojan War. “The myth is referred to or told in literature, creative, and performing arts from ancient times to the present day based on the works of literary iconic giants from Greek and Roman antiquity: Homer, in the Iliad; Book 24, Lucian, Dialogues of the Gods; Pseudo-Apollodotus, Bibliotheca, and the lost epic poem Cypria, which was passed on by Roman authors Ovid in Heroides and Hyginus in Fabula. According to legend, three powerful female goddesses urged Zeus, king of the gods, to judge their bitter dispute over who was the most beautiful, Hera, Zeus’s wife, and Athena and Aphrodite, his daughters. Zeus wisely recused himself. Zeus suggested that the matter be referred to Paris, a prince of Troy well known for fairness and detachment in judgment. But the goddesses didn’t want detached and neutral judgment. Each badly wanted to win and believed she was justified in doing whatever it would take to do so, which if you are a Goddess is a great deal. Each of the goddesses tried to bribe Paris the judge. Hera offered Paris the power to rule empires. Athena offered unmatched wisdom. But Aphrodite, Goddess of love and passion, offered Helen, the most beautiful and irresistibly desirable of mortal women, who was wife and queen to Menelaus of Sparta, younger brother of King Agamemnon. Unable to resist, Paris chose Aphrodite and carried Helen off to Troy. The Greeks, all in alliance with Menelaus, waged the decade long Trojan War. Helen was possessed of, in Christopher Marlowe’s words, “the face launch’d a thousand ships/and burnt the topless towers of Ilium [i.e., Troy].” *Judgment of Paris*, THEOI, <https://www.theoi.com/Olympios/JudgementParis.html> (last visited Dec. 18, 2025).

Putting aside the outdated, sexist tropes of that ancient time, the timeless moral of the fable is that a judge’s acceptance of a bribe, and the corruption of judicial independence, is bad for everyone. America’s well-read colonial leaders who rebelled against the British King George III were children of the enlightenment and students of the classics. They understood the lesson of “The Judgment of Paris” fable. In the U.S., the age-old ideal of independent, impartial and fair jurists has evolved into a heretofore deeply established bedrock constitutional norm if not minimal expectation. A series of decisions at the beginning of the Republic, over the thirty-four years that John Marshall served as Chief Justice, defined the authority and role of the federal courts and the Supreme Court in the unfinished symphony of America’s dynamic constitutional government. Over this period the country wrestled with defining the scope and powers of each of the three federal, or national, branches of government established under the Constitution as well as the relationship between the national and the state governments. The profound principles established by the Marshall Court which reinforced judicial independence included the famous nuanced landmark precedent of *Marbury v. Madison* (1803), which affirmed the Court’s authority to review whether laws passed by Congress are constitutional, a power not expressly mentioned in the Constitution. The Court also ruled that it could review decisions from state courts that posed constitutional issues. Until now, these decisions vested enormous power in the Judicial Branch that gives it equal status with the Legislative and Executive Branches. Pointedly and presciently, President John Adams asserted, “My gift of John Marshall to the people of the United States was the proudest act of my life.” *The Marshall Court, 1801-1835*, SUP. CT. HIST. SOC’Y, <https://supremecourthistory.org/history-of-the-courts/the-marshall-court-1801-1835/> (last visited Dec. 18, 2025).

various shortcomings. Our contemporary concerns and alienation from each other are fueled by vulgar and vituperative social media, the ugly disfunction and discord of politics at home and abroad, multiple threats to our health and safety, deep concerns about sustaining the planet we live on, and personal isolation lingering from the pandemic, exacerbated by widening disparities in financial, food, and health security, and animosity to neighbors stemming from selfishness, ignorance, and bigotry.

Law and lawyers as ever can offer solace, restore the art of association and connection with others, solve problems, and generate justifiable hope for a better world. They can do so by skillfully using the exquisite instrument of their legal education to inspire, console, cajole, and guide individuals, businesses, government, as well as public, private and public organizations through circumstances, routine or extraordinary. Lawyers are equipped to build bridges between chasms of disagreement, promote economic growth and opportunity, solve problems, and to advocate vigorously, but respectfully and peacefully, for what is right.

In addition to doing well themselves, they are expected to do good. All law graduates can and should advance the public interest throughout whatever career path they choose. Whether they are judges, public officials, prosecutors, defense counsel, family lawyers, in large or small firms, solo practitioners, advocates for unpopular causes,¹⁷ drum majors for justice,¹⁸ or successful corporate counsels, as

17. A vivid example is John Adams's famously successful representation of the British officers accused of murder in the Boston Massacre. Also, Clarence Darrow's entire career was a veritable monument to the lawyer's role to provide effective counsel to unpopular causes and despised very bad people. He was a champion of controversial trade unions and many criminal defendants, including famously as counsel for Leopold and Loeb, who were guilty of a truly heinous murder. He successfully saved them from the death penalty. This was adapted by Alfred Hitchcock in the film *Rope* (1948). *ROPE*, Amazon Prime (Alfred Hitchcock & Sidney Bernstein 1948). Darrow's contentious representations also included the Ossian Sweet defense and defending the right of a schoolteacher to teach evolution in the heart of the bible belt in the so-called 1925 Scopes Monkey trial, memorably depicted in the award-winning Stanley Kubrick film *Inherit the Wind* (1960) with a stellar cast including Spencer Tracey, Frederick March, and Gene Kelly cast against type as the cynical world weary journalist. The film was designed to prompt discussions about McCarthyism. *INHERIT THE WIND*, Tubi (Stanley Kramer Productions 1960). The author and many lawyers of a certain age were inspired by the fictional character of Atticus Finch in "To Kill a Mockingbird" (1960) written by Harper Lee with Gregory Peck as Atticus in the movie adaptation (1962). The story is centered about a small-town lawyer in the South taking on the defense of an innocent black man who faces down a lynch mob, and many impediments to a fair trial and averting the tragic fate of his guiltless client. A pointed metaphorical scene prior to the trial involves Atticus called upon as the only person who could down a rabid dog threatening his neighbors. *Id.*; HARPER LEE, *TO KILL A MOCKINGBIRD* (Harper Perennial Modern Classics 2022) (1960); *TO KILL A MOCKINGBIRD* Amazon Prime (Brentwood Productions 1962).

18. *Drum Major Instinct*, AUSTIN MLK, <https://mlkcelebration.com/mlk-the-man/famous-speeches/drum-major-instinct/> (last visited Dec. 18, 2025) (In his speech delivered at Ebenezer Baptist Church in Atlanta, Georgia on February 4, 1968, Dr. King spoke of everyone having the drum major instinct, that is, the desire to lead, to be important, and to achieve distinctness. He spoke of the necessity to harness that instinct because, if left untamed, it leads to danger distorting personalities, exclusivism, and racism which he attributed as a cause of continual division of nations. He shared a new theory of greatness inspired by Jesus, which everyone could attain, through service. Considering this, he expressed his desire to be known and remembered as a drum major for justice, peace, and righteousness.). *Drum Major Instinct – A Speech by Dr. Martin Luther King, Jr.*, BETHLEHEM FARM, <https://bethlehemfarm.net/wp-content/uploads/2013/02/DrumMajorInstinct.pdf> (last visited Dec. 18,

were Abraham Lincoln¹⁹ and Louis Brandeis,²⁰ for example. And this aspiration applies to law graduates who become business executives, sports agents, educators, or enter any of the myriad fields outside of the formal practice of law where legal education is advantageous, even heaven forbid, working as a law dean or professor.

Law and lawyers will be needed until the world is perfect. Clarence Darrow is widely credited with being the greatest American trial lawyer of all time.²¹ He

2025) (claiming a drum major has an innate desire to lead). See generally *MLK Drum Major for Justice Advocacy Competition*, D. AUGUSTUS STRAKER BAR ASS'N, <https://strakerlaw.org/mlkcompetition> (last visited Dec. 18, 2025) (the D. Augustus Straker Bar Association hosts an annual essay and speech competition for student advocates of justice); *Drum Major for Justice Award*, MARTIN LUTHER KING, JR. COMM'N OF FLA., INC., <https://www.martinlutherkingcommission.org/scholarship-s-awards/drum-major-for-justice-award/> (last visited Dec. 18, 2025) (the Martin Luther King Jr. Commission of Florida presents an award to individuals who have made contributions to the fight for justice).

19. Abraham Lincoln, at the height of his twenty-five-year legal career, was a prominent practitioner of railroad law. Representing railroad corporations, he became one of the most successful and highest paid lawyers in the country. *Abraham Lincoln, the Railroad Lawyer*, ABRAHAM LINCOLN HIST. SOC'Y, <http://www.abraham-lincoln-history.org/abraham-lincoln-the-railroad-lawyer/> (last visited Dec. 18, 2025); Sandra K. Lueckenhoff, Comment, *A. Lincoln, a Corporate Attorney and the Illinois Central Railroad*, 61 MO. L. REV. 393 (1996). See generally Henry S. Cohn, *Abraham Lincoln at the Bar*, THE FEDERAL LAWYER, May 2012, at 52-55, <https://www.fedbar.org/wp-content/uploads/2012/05/feature5-may12-pdf-1.pdf> (explaining Lincoln's career as a corporate lawyer for the railroad).

20. The most recent and comprehensive full-scale biography of Justice Brandeis, which describes not only his corporate work, but the breadth of his contributions, is by Melvin Urofsky. MELVIN UROFSKY, *LOUIS D. BRANDEIS: A LIFE* (2009). In addition to his depth as a scholar, securing tenure at Harvard Law, Brandeis was also a scholar by co-authoring the most widely cited law review article in history, *The Right to Privacy*, 4 HARV. L. REV. 193 (1890), which created a new field of law. Brandeis was a reformer, outstanding jurist, first Jewish Supreme Court Justice, and a brilliantly successful corporate lawyer, who created the modern model of the corporate law firm. See Russell Fowler, *Louis Brandeis: Pro Bono Lawyer*, TENN. BAR ASS'N (Oct. 1, 2017), <https://www.tba.org/index.cfm?pg=LawBlog&blAction=showEntry&blogEntry=29075> (Fowler explains why Brandeis became known as the "People's Attorney" and how he "helped to create the American pro bono tradition.... Commencing with his battle against corrupt Boston streetcar franchises, he blazed a new trail of public interest pro bono work that altered the landscape of America's economic and public life and forever changed how law is viewed and practiced. He thus remains our country's most famous pro bono lawyer. And on the United States Supreme Court, he became one of the nation's greatest justices as he strove to protect civil liberties and guard against the concentration of power wherever it may be.... As a [practicing] lawyer,....[h]e was a millionaire in his 40s...at a time when most lawyers made less than \$5,000 a year.... Brandeis's immense financial achievement allowed him to give increasing time to his pro bono cases on the behalf of workers, consumers and small shareholders. He was the first lawyer to do such wide-scale public interest work without a fee, 'a practice that many of his contemporaries viewed as eccentric.' Before long, he was doing so much public service pro bono that it was having a negative impact on his law firm. Therefore, he reimbursed the firm for every pro bono hour he expended."); Louis D. Brandeis, *The Opportunity in the Law*, THE MINN. LEGAL HIST. PROJECT (Mar. 8, 2014), [http://www.minnesotalegalhistoryproject.org/assets/Brandeis%20-%20\(1905\).pdf](http://www.minnesotalegalhistoryproject.org/assets/Brandeis%20-%20(1905).pdf). In a famous speech *The Opportunity in the Law*, Brandeis conveyed his strong views about the ethical, social and professional responsibilities of lawyers. *Id.*

21. *Clarence Darrow 2009 Inductee*, THE TRIAL LAW. HALL OF FAME, <https://triallawyerhalloffame.org/inductees/clarence-darrow/> (last visited Dec. 18, 2025).

observed, “As long as the world shall last there will be wrongs, and if no one objected...those wrongs would last forever.”²²

Darrow’s life (1857-1938), like Justice Brandeis’s (1856-1941), spanned the rupture of America’s Civil War through the Reconstruction era, the nation’s tumultuous emergence as a world power in an age of discovery, disruptive technological advances, prodigious growth and consolidation of corporate industrial and financial wealth and power, imperialism, exploitation, conflict including World War I, mass migration, economic strife during the Great Depression, the rise of communist and fascist totalitarian regimes, and cascading movements struggling for equal opportunity, justice, freedom security, and peace. Sound familiar?

Yes, it does. In fact, the conceit of every generation is that the world has never before seen such tortuous challenges.²³ Nonetheless, without question, the second half of the 20th century that baby boomers lived through, and the first quarter of the 21st century, have been more complicated and “interesting” than a joy ride in a pink car through Barbie land.²⁴

In truth, at present there is plenty of work for good lawyers to do, and there always will be. The demand for well-prepared new lawyers to help us navigate the issues of our times is as great if not greater than it ever has been. It should not be surprising that given the value of legal education the number of people applying to law school has been sharply, dramatically increasing.²⁵

22. *Clarence Darrow: Quotes*, GOODREADS, https://www.goodreads.com/author/quotes/31156.Clarence_Darrow (last visited Dec. 18, 2025).

23. And yet there is no new thing under the sun. *Ecclesiastes* 1:9, the Prophet; Nicholas W. Allard, *Sweet Are the Uses of Adversity*, 52 U. TOL. L. REV. 197, 202-16 (2021) (comparing the tumult of our times with those of other eras including in living memory the 1960s and 1970s).

24. *BARBIE*, HBO Max (Universal Pictures 2023).

25. *Year to Date American Bar Association 2025 Applicant and Application Counts*, L. SCH. ADMISSIONS COUNCIL, <https://report.lsac.org/VolumeSummaryOriginalFormat.aspx?Format=PDF> (last visited Dec. 18, 2025); Elizabeth Bodamer, *The Work Continues: Multi-Year Trends of the First-Year Class*, L. SCH. ADMISSIONS COUNCIL (May 1, 2025), <https://www.lsac.org/blog/work-continues-multi-year-trends-first-year-class>; Aaron N. Taylor, *Law School Applications Surge 21% for 2025 Academic Year*, *THE NAT’L JURIST* (Apr. 15, 2025), <https://nationaljurist.com/law-school-applications-surge-21-for-2025-academic-year/>; Julianne Hill, *Elections, Economy and Social Issues Inspire 22.9% Jump in Law School Applications*, A.B.A.: ABA J. (May 8, 2025, at 16:10 CT), <https://www.abajournal.com/web/article/elections-economy-and-social-issues-inspire-22.9-jump-in-law-school-applications>. Unresolved speculation about the current application boom and the expectations that it will continue attribute it to a number of factors including that the current political and economic climate have made law school increasing attractive. *Kaplan Survey: Another Fierce Law School Admissions Cycle Looms Large, Driven by Politics*, KAPLAN (Oct. 8, 2025), <https://kaplan.com/about/press-media/law-school-admissions-cycle-politics>. The author’s hunch, and it is merely that, is that a combination of factors have contributed to the surge in interest in attending law school, even as the demographics of the population of college age students feeding law schools are declining. The daily unprecedented national attention riveted to lawyers plays key roles on all sides of legal issues and disputes, many arising from political controversies, underscoring the value of legal education to make a meaningful difference, to do well in terms of achieving their personal goals, such as financial security, reputation, and self-worth, while also doing good for others, and even perhaps ironically given the pushback and hurdles of recent years, the dramatic increase in applications of people of color and first generation lawyers may be the harvest of many years of prior efforts to make legal

In other words, the value proposition for legal education cannot speak or write itself, but it is a compelling case that needs to be, can be, and is being made.²⁶

ACT TWO: ADAPTATION

Successful educators will prepare students for the uncertainty and state of continuous change they will experience after they graduate by constantly engaging in fact-based adjustments of teaching and scholarship. They must address and ready graduates both for the world as we know it, but also as important, promote lifelong learning skills that equip people with the knowledge and critical thinking skills needed to adapt to the continuous disruptive change.

The very good news based on the author's observations during regular collaborative interactions among law school faculty, staff, and administrator colleagues from all points of the compass, such as the 2025 dean's week conference at New York Law School in July and numerous other regular efforts to share and promote best practices, is that U.S. law schools, individually and cooperatively, are rapidly constantly working to improve legal education. To this end they are introducing promising innovations. Increasingly and fortunately, neither complacency nor conventional thinking dominate the culture of legal education because they are the enemy of its future.²⁷ Data-driven strategic adjustments of the curriculum and better ways for delivering knowledge and practical training are not only prudent, but they are also in fact essential.

In addition to striving to deliver the essential traditional fundamentals of legal education in the best possible, often fresh and new ways, now law schools also are preparing graduates to be ready, not only for "a job," but also for any jobs that fit their abilities and interests, as well as to be able to qualify for future jobs and careers that do not yet exist, and to solve future as yet unknown problems.

This requires purposefully and routinely reviewing performance and planning how best, in a world of limited resources, to marshal institutional strengths, allocate resources, and satisfy obligations as a regulated educational institution, to better serve the needs of students, the academy, the profession, and the public. It is no small task.²⁸

Some things should not change. We can still color within the lines and teach the necessary basic building blocks of legal education. Yet we also need to continuously innovate and demonstrate our creativity throughout our curriculum

education and law practice more accessible and inclusive of previously underrepresented groups including the less advantaged and underserved by affordable quality legal representation.

26. See David Merson, *Is Law School Worth It? What You Need to Know*, JURIS EDUC. (Apr. 8, 2024), <https://www.juriseducation.com/blog/is-law-school-worth-it>; Greg Depresio, *Is Going Law School Worth It Anymore?*, INVESTOPEDIA (Sep. 18, 2024), <https://www.investopedia.com/articles/personal-finance/082416/going-law-school-worth-it-anymore.asp>; Keith N., *Is Law School Worth It? Exploring the Pros and Cons*, CRIMSON EDUC. (Sep. 23, 2025), <https://www.crimsoneducation.org/ap/blog/is-law-school-worth-it>; *Is Law School Worth the Investment?*, OHIO N. UNIV. PETTIT COLL. OF L., <https://law.onu.edu/news/law-school-worth-investment> (last visited Dec. 18, 2025).

27. Allard, *supra* note 10 (applying Professor Nicholas Cole's phrase to legal education).

28. Allocating resources for rankings purposes is questionable for many reasons, including that the rankings criteria are not forward looking.

of legal theory and practical training to experiment with and improve legal education.²⁹ Just as we all may adopt the best practices from others, each law school also can be a beacon of innovation for others in legal education to follow or tailor innovations to fit their different circumstances.

For example, the following list suggests seven areas for heightened attention and emphasis throughout the curriculum, if a consensus within a law school community determines it is warranted and feasible, as is the case in many schools.

1. *Professionalism and Ethics*

Surveys, and in my experience frequent intentional but admittedly anecdotal conversations with lawyers, including jurists and practitioners, emphasize that law schools need to devote more attention to instruction and mentoring programs regarding professionalism and ethics.³⁰ In fact, in recent surveys in Florida it was the number one priority by far of practitioners.³¹

2. *Skills Training*

Both inside and outside the classroom it is critically important to hone the tools new lawyers must use when they begin the broad range of jobs and different careers that legal education prepares them to pursue. It is easier to find a rare Florida panther in the wild than a lawyer who does not believe that law graduates need more and better practical education.³² Notwithstanding its importance, and

29. What I frequently describe as our law school's "Jacksonville Pollack inventiveness."

30. *Results of the 2021 Membership Opinion Survey*, THE FLA. BAR 38-39 (Jan. 2022), <https://www-media.floridabar.org/uploads/2022/01/2021-Membership-Opinion-Survey-Report-Final-1.pdf> (displaying the need for CLE Ethics programs). As presented by the Florida Bar Association President Gary S. Lesser, Jacksonville Bar Association Lunch (Aug. 25, 2022); and was a subject underscored by Florida Bar President F. Scott Westheimer, Jacksonville Bar Association Lunch (Sep. 21, 2023).

31. *Id.*

32. During the conversations at the July Deans' Week, a point powerfully conveyed by several deans to members of the Council on Legal Education and Admissions to the Bar (CLEAB) is that law schools throughout the country are actually doing more to offer what is referred to as experiential skills training than ever was done in the past, and offering it inside and outside the classroom, as well as inside and outside the law school, in many ways. That includes faculty weaving in skills and practical training in doctrinal or so-called podium courses, using new technology to effectively afford virtual skills training, and the expansion of pro bono work requirements prior to graduation which can offer meaningful practical experience. That enables law schools to provide more practical training, while often also satisfying students' laudable desire not to wait until after graduation to make an impact on significant public interest issues. Law schools are rapidly beginning to find uses for virtual reality, AI-driven applications sometimes built on a gaming platform to create immersive learning spaces to develop legal skills. That is one of the reasons why the simplistic proposal by the ABA CLEAB for getting more experiential training simply by doubling credits required for "experiential learning" was not sufficiently in tune with how such practical education is actually currently delivered, insufficiently forward looking not flexible to take into account or encourage the wide range of ways that skills training can be delivered; not to mention as it was asserted, that a simplistic increase in the skills credit requirements would be unjustifiably expensive in many cases and potentially a drain on adequately offering other important parts of the curriculum. To its credit, the Council took account of the comments and thankfully the proposal to double the credit

notwithstanding the widespread view that new graduates are unprepared for practice, law schools are providing more, and better “experiential” education than has been done in living memory, and are doing so in many ways that were not even available when many established, distinguished practitioners were themselves in law school.³³

3. *Bar Examination Readiness*

The need to improve the process for licensing new lawyers, to make it a more relevant and a better measure of competency for what good lawyers actually need to do, to reduce the numerous daunting costs imbedded in the traditional bar examination and licensing process, not to mention shortening the often excruciatingly long period of time between graduation and obtaining a law license, for a long time has been a topic of outspoken concern for many, including this dean.

However, in my opinion, law schools owe it to their graduates who choose to use their J.D. to practice law to do their best to pass the bar exam. Although the bar exam is an imperfect, redundant, expensive, and often controversial method for assessing whether law graduates have the minimal competency required for practice in almost every jurisdiction, and even though there are considerable efforts afoot across the country to improve the test³⁴ and offer alternative paths to practice,³⁵ it remains the necessary gateway to start a career for most law graduates in Florida and throughout the country. As such, even though understandably academics dislike and resist “teaching to the test,” it is the responsibility of a law school to facilitate and support preparation of students for success on the bar examination.³⁶

4. *Competent, Just, and Ethical Use of Technology*

Obtaining and maintaining competent use of technology as it advances is imperative, not niche expertise.³⁷ Lawyers historically have been late adopters of

requirements for experiential training now has been paused. Julianne Hill, *ABA Legal Ed Council Proposal to Increase Experiential Learning Credit Requirement Faces Pushback*, A.B.A.: ABA J (July 17, 2025, at 15:12 CT), <https://www.abajournal.com/web/article/proposal-to-double-experiential-learning-credits-faces-pushback-from-law-deans>.

33. *Id.*

34. *NextGen Bar Exam Research and Development*, NAT’L CONF. OF BAR EXAM’RS: NEXTGEN BAR EXAM OF THE FUTURE, <https://nextgenbarexam.ncbex.org/> (last visited Dec. 18, 2025).

35. See Marc Joffe, *States Pursue Alternative Licensing Pathways for Lawyers*, CATO INST.: CATO AT LIBERTY (Mar. 28, 2024, at 15:25 ET), <https://www.cato.org/blog/states-pursue-alternative-licensing-pathways-lawyers>.

36. We note here the singular quality of the Florida Board of Bar Examiners with gratitude for their constant outreach, guidance, and assistance helping us meet our responsibilities to ready our students for the test even before the Jacksonville University College of Law opened our doors to our first students in 2022.

37. MODEL RULES OF PRO. CONDUCT r. 1.1.8 (A.B.A. 2023) (indeed, increasingly it is required by applicable Codes of Professional Conduct).

new technology, often for good reasons.³⁸ Legal educators have been even slower. In a world where the only constant is continuously accelerating disruptive change, often driven by new technology, lawyers cannot adequately function, much less satisfy increasing client and professional requirements for the use of technology, without capably relying on new technology to perform legal services. Nor should they miss the opportunity to use new technological tools to expand the availability of affordable, quality legal services including to underserved and less advantaged communities and people. It is also important for law schools and practitioners to guard against and mitigate harm that new technology might cause.³⁹

38. Lawyers and legal educators are notoriously late adopters, perhaps more so than any other learned profession. There are many good reasons why this has historically been so. Among them are that those schooled in the law give credence to evidence, and we value the probative weight of give-and-take argument. Both can take time to develop. Lawyers also are comfortable with precedent as a building block of the rule of law and understand that departure from generally established principles and practices can be disruptive, can have unintended consequences, and can be unintentionally unfair, especially to those who may have relied on *stare decisis*. The status quo is also anchored by many factors contributing to institutional inertia, and by the weight given to “conventional wisdom” by those unshakably convinced that what is tried and true is best, no matter how stretched or frayed. Law practice and legal education is not an inventive ethos, but rather a preference to avoid experimentation and innovation. The life’s work of Louis Brandeis is a noticeable historic exception. So are the rules and values of America’s founding legal documents, the Declaration of Independence and the U.S. Constitution. However, in an age of accelerating disruptive change, lawyers and legal educators should and must push ourselves to consider improvements that need to be made and how to do things ever better. Business as usual and rigid resistance to adapting to new technological, economic, political, climactic, and other societal circumstances is not a viable option. Indeed, it is a formula for failure. See generally CHRIS SHIPLEY AND HEATHER E. MCGOWAN, *THE ADAPTATION ADVANTAGE: LETS GO, LEARN FAST, AND THRIVE IN THE FUTURE OF THE WORLD* (2020) (A comprehensive analysis of why, to borrow and adapt Coach Vince Lombardi’s famous aperçu about winning: adaption is not the most important thing, it is everything. This book advocates continuous learning and responsive adjustments are essential for people and organizations of all kinds to survive and succeed in a world of transformation constant change. The advises, as does this essay, which was influenced by their book, that leaders and managers connect to their purpose which will drive motivation and resilience.).

Still, the resistance to innovation and especially adapting to new technology can be stubborn and even fierce. A few years ago, pre-COVID, international relations permitted the author to participate in the Seventh Annual St. Petersburg International Legal Forum in Russia on the Future of Technology in legal education. The opening speaker on a panel I moderated, an English barrister and law professor resident at an Italian law school, proclaimed who though he did not understand or use technology in practice or to teach his trial practice students he knew it was not good for teaching. Not a rare sentiment even in this advanced digital age. Nicholas W. Allard, *Love’s Labors Found*, 50 U. TOL. L. REV. 199, 216 n.46 (2019).

39. E.g., Clay Shirky, *Students Hate Them. Universities Need Them. The Only Real Solution to the A.I. Cheating Crisis*, N.Y. TIMES (Aug. 25, 2025), <https://www.nytimes.com/2025/08/26/opinion/culture/ai-chatgpt-college-cheating-medieval.html>. Ever since Socrates objected to his students’ use of paper and ink, people have fixated on the use of technology to cheat and the premise that it undermines “real learning.” While embracing new technology, and responding to such concerns, we must recognize that there is a compelling need to address inequities, including technology “have-nots,” who might be left behind and, for example, inherent flaws such as bias in the use of facial recognition technology and other legitimate concerns. The ABA has done significant work in this area. Michael Christopher Naughton, *Considering Face Value: The Complex Legal Implications of Facial Recognition Technology*, A.B.A. (Jan. 30, 2025), https://www.americanbar.org/groups/criminal_justice/resources/magazine/2025-winter/face-value-complex-legal-implications-facial-recognition-tech/; Kenneth Chhike Odiwe, *Police Use of AI-Powered Facial Recognition Technology and the*

Law students who are prepared to use new legal technology will have a competitive advantage when they enter the job market. That is because of the exploding number of legal cases, statutes, regulations, disputes, and transactions involving new technology such as AI as well as the tsunami of substantive legal issues generated by new digital inventions and breathtaking biomedical advances.⁴⁰ They also will be valuable to employers because it is already prevalent in operations by the bench and bar, and there is an acute shortage of established lawyers who are adequately up speed to effectively use new digital technology to perform their work.⁴¹ Faculty need to and generally are often already considering

Risk of Racial Bias, A.B.A. (May, 23, 2024), <https://www.americanbar.org/groups/gpsolo/resources/ereport/2024-may/police-use-ai-powered-facial-recognition-technology-risk-racial-bias/>; Debra Cassens Weiss, *Does Facial Recognition Technology Incorporate Racial Bias?*, A.B.A.: ABA J. (Apr. 13, 2016), https://www.abajournal.com/news/article/does_facial_recognition_technology_incorporate_racial_bias; Claire Garvie, *A Forensic Without the Science: Face Recognition in U.S. Criminal Investigations*, GEO. L.: CTR. ON PRIV. & TECH. (Dec. 6, 2022), https://mcusercontent.com/672aa4fbde73b1a49df5cf61f/files/2c2dd6de-d325-335d-5d4e-84066159df71/Forensic_Without_the_Science_Face_Recognition_in_U.S._Criminal_Investigations.pdf. Another deeply troubling development involves all the legal issues, including deep privacy concerns, arising over the ability to generate phony images of people doing things that they never have or would do which are not detectable. Dee Jefferson, *Robin Williams' Daughter Zelda Hits out at AI-Generated Videos of Her Dead Father: 'Stop Doing This to Him'*, THE GUARDIAN (Oct. 6, 2025, at 22:59 ET), <https://www.theguardian.com/film/2025/oct/07/robin-williams-daughter-zelda-hits-out-at-ai-generated-videos-of-her-dead-father>; Tatum Hunter & Drew Harwell, *AI Video App Tops the Download Charts—To the Horror of Late Luminaries' Families*, PRESSREADER (Oct. 12, 2025), <https://www.pressreader.com/usa/the-washington-post-sunday-598/20251012/281595246736744?srsId=AfmBOoFX3ox8mkm2kxFZmmbM8Z-kMmrexj6DKu1BzceVaUDXg-KmC44>; Geoffrey A. Fowler, *Friends Took My Face with the Viral Sora App. I Laughed. Then I Got Scared.*, WASH. POST (Oct. 7, 2025), <https://www.washingtonpost.com/technology/2025/10/07/sora-cameo-deepfake-consent/>. A related development is concern over a so-called “it” girl actor who does not in reality exist at all when is so realistic that even knowing she is unreal, Hollywood agents want to represent the imaginary person. Dave Smith, *Hollywood Erupts as Talent Agents Circle 'AI Actor' Tilly Norwood: 'Not Surprised the First Major AI Actor Is a Young Woman They Can Fully Control'*, FORTUNE (Oct. 1, 2025, at 10:27 ET); Clare Duffy, *Hollywood Is Fuming over a New 'AI Actress'*, CNN: BUS. (Oct. 1, 2025), <https://www.cnn.com/2025/09/30/tech/hollywood-ai-actor-backlash>.

40. One pending landmark litigation involves the New York Times, ChatGPT, and Sony raising novel intellectual property issues of epic proportions. Josh Tygrangiel, *A 'Mothra vs. Godzilla' Battle Is Looming Over AI*, WASH. POST (Feb. 4, 2024), <https://www.washingtonpost.com/opinions/2024/02/04/new-york-times-chatgpt-openai/>. For example, in the field of advanced biomedicine, we have for the first time the ability to control and shape the nature of living things, including human beings, which obviously raises a Pandora's box of moral, philosophical, and legal issues. See generally Bernard Lo et al., *Fundamentals of Medical Ethics—A New Perspective Series*, 389 NEW ENGLAND J. MED. 2392 (2023); *Seven Biomedical Breakthroughs That Present Ethical Challenges*, BIOETHICS OBSERVATORY: INST. OF LIFE SCIS. (June 27, 2019), <https://bioethicsobservatory.org/2019/06/seven-latest-biomedical-breakthroughs-which-present-new-ethical-challenges/31273/>; Ed Silverman, *The 5 Most Pressing Ethical Issues in Biotech Medicine*, BIOTECHNOLOGY HEALTH-CARE, Dec. 2004, at 41 (even this small sample of the extensive and growing literature demonstrates the vast scope and difficulty of unresolved moral, ethical, and legal issues prompted by our contemporary age of biomedical discovery).

41. Law firms have necessarily been filling the gap by hiring nonlawyer technicians to perform the work. Anayat Durrani, *How Outsourcing Legal Jobs to Offshore Firms Can Benefit Your Law Firm*, L. CROSSING (Mar. 19, 2023), <https://www.lawcrossing.com/article/406/Law-Firms-Outsource-Jobs-Offshore/>; *Ethics Opinion on Outsourcing Work to Overseas Companies*, THE FLA. BAR (Aug.

and using technology because it touches every doctrinal subject taught and can improve how both podium teaching and skill training might be effectively delivered. They are likely to discover that their students who are, after all, digital natives, are agile and enthusiastic about applications of new technology to their legal education, while many law faculty are digital immigrants. Faculty may find it daunting, but they must challenge themselves to gain technological competency and use the “stuff.”

5. *Service*

Public service is a hallmark of our honorable profession of law. The privilege of a law degree and license to practice enables lawyers to do well but obliges them to do good too. There are myriad ways that lawyers advance the public good, uphold equal justice, and sustain our constitutional democracy through their daily paid legal work and as volunteers. Inculcating dedication and enthusiasm for the important and deeply gratifying role of serving the public good is a priority in every law school. Indeed, it is a signature strength of legal education in America.⁴²

6. *Leadership Training*

Leadership increasingly, but only relatively recently, also has become a subject receiving widespread attention among legal educators.⁴³ For reasons that have not been adequately studied, much less understood, lawyers have always served as leaders in government, politics, education, business, and many other top positions in disproportionate numbers that far exceed their relatively small percentage of the population.⁴⁴ Whether leadership is innate, learned, teachable, and if so how, are important unresolved questions. Many of us believe that some combination of all those possibilities explains the phenomenon of the overrepresentation of lawyers in leadership roles. We also suspect that people turn to lawyers

15, 2008), <https://www.floridabar.org/the-florida-bar-news/ethics-opinion-on-outsourcing-work-to-overseas-companies/>.

42. See Nicholas Allard, *Commentary: An Important Lesson Learned by Our First Graduates*, JACK. DAILY REC. (May 1, 2025, at 01:11 ET), <https://www.jaxdailyrecord.com/news/2025/may/01/commentary-an-important-lesson-learned-by-our-first-graduates/>.

43. See L. O. Natt Gantt II, *Law Schools' Pivotal Role in Lawyer-Leader Formation*, A.B.A. (Oct. 8, 2024), https://www.americanbar.org/groups/law_practice/resources/law-practice-magazine/2023-november-december/law-schools-pivotal-role-in-lawyer-leader-formation/; Leah Witcher & Jackson Teague, *Lawyers as Leaders*, STATE BAR OF TEX., <https://www.texasbar.com/AM/Template.cfm?Section=articles&Template=%2FCM%2FHTMLDisplay.cfm&ContentID=39075> (last visited Dec. 18, 2025). Not coincidentally the activity and work of the relatively new leadership section of AALS stands out. See, e.g., *Section on Leadership*, THE ASS'N OF AM. L. SCHS. (Nov. 9, 2017), <https://aals.org/sections/list/leadership/>. The most popular course in the history of Georgetown University Law Center, taught by its extraordinary Dean Bill Treanor, offered online, and engages students on issues of our day. Susan Svrloga, *Most Popular Course Ever at Georgetown Law? How to Fight for Justice.*, WASH. POST (Nov. 6, 2020), <https://www.washingtonpost.com/education/2020/11/06/georgetown-law-course-social-justice/>.

44. Garry W. Jenkins & Jon J. Lee, *Leadership Evolution: The Rise of Lawyers in the C-Suite*, 96 TUL. L. REV. 695, 714 (2022); see PATRICIA SALKIN, MAY IT PLEASE THE CAMPUS: LAWYERS LEADING HIGHER EDUCATION 9 (2022).

to lead because they are impressed by what they believe they can do, and that they value leaders with legal expertise because law reaches into every corner of our lives. Whatever may be the case, given that law graduates are extremely likely to serve as leaders in professional or nonlegal, private or public, paid or volunteer capacities, law schools across the U.S. are developing ways to prepare them for this expected responsibility.⁴⁵

7. *Adaptability*⁴⁶

Ironically, to adapt to the ever-changing, difficult-to-predict nature of our times, much less the future, adaptability itself is arguably the most important, and certainly the newest and most challenging characteristic that forward-looking educators should impart to students and implant in the culture of their institution. This requires, for example, finding ways to introduce into the curriculum familiarity with analyzing legal issues, advising clients, and doing legal work while dealing with the reality of incomplete information, uncertainty, and risk—which are facts of life that clients must deal with, as do, in general, every living person. It involves learning how to navigate between the tension of the method, speed, and expectations of client communications and actions in our warp speed digital world, and what is required for the research and reflection required for effective competent lawyering. It is light years from studying the traditional case method at a glacial pace and plowing through the published opinions in old decisions limited to whatever fixed facts are on the record of the case at hand. Worth noting is that learning to rely on teamwork seems to be, at least to this observer, receiving at least as much if not more attention than it ever has before in law school. So is greater appreciation for how to best address legal issues that cross multiple forums and the never-ending cycle of the public policy process.⁴⁷

45. See *A New Law School Course Helps Students Build Leadership Skills*, ST. JOHN'S UNIV. (Mar. 4, 2025), <https://www.stjohns.edu/news-media/news/2025-03-04/new-law-school-course-helps-students-build-leadership-skills>; MARK C. ALEXANDER ET AL., *BEYOND IMAGINATION?: THE JANUARY 6 INSURRECTION* (2022) (especially Garry Jenkins, Chapter 3, and Jennifer Mnooki, Chapter 5).

46. In a recent all hands workshop at our law school which was skillfully facilitated by Susannah Pollvogt, Principal Consultant for Academics and Curriculum, LSAC, some felt that the term “adaptation” was too reactive and preferred to use “responsive” to describe making appropriate changes to the curriculum and operations. The conversation also addressed the question “How do we know what changes are occurring in practice and the world in order to determine when and how to adjust the curriculum?” The central point is that we do want our new law school to never become old school. Law schools need to take the initiative to determine how to better serve our students and our graduates. In brief, we must purposefully, regularly assess our performance and outcomes, along with determining what employers and clients of our graduates need to succeed in order to evaluate what prudent data driven adjustments are possible and should be priorities.

47. Law is both an apex and intertwined discipline of the liberal arts and humanities. It is informed by and contributes to all of those fields. Moreover, the mutual relevance of Law and STEM is especially apparent in matters that involve determining how rules apply to new STEM develops and what the rules or policies should be in terms of innovations that stretch or are beyond the scope of established law. Law and public policy are different sides of the same coin. The interplay of these two fields—one devoted to determining what is the law and what given facts should be the

For a law school, as a going concern in a highly-competitive, consumer-sensitive market to remain relevant and effective requires infusing its institutional DNA with the restless motivation to improve, assess what it is doing, question whether it can do it better, and if so, determine how best to adapt to all the new things under the sun that will involve lawyers. The objective is how best to respond to, and if warranted, assure that any law school, even a new innovative such as our new College of Law, avoids becoming old school, and prudently keeps up with change without adopting the academic “fad du jour” or simply falling behind.

There is no easy answer, but I believe the ultimate success of this effort starts with the faculty and administrators who must be committed to continuous assessment, renewal, and improvement, not to mention the fortitude and confidence, to overcome the skepticism of those invested in the status quo.

Once a law school identifies and achieves consensus about which educational priorities to pursue, it can consider how to go beyond covering them only in stand-alone courses, or specialty electives, work experiences, or one-off special programs. It should help to be intentional about finding ways to weave these subjects throughout the fabric of every aspect of our students’ legal education during all the long days and three short years they spend earning their law degrees inside and outside the classroom. Examples of how this is done, even in traditional required courses like civil procedure, evidence, contracts, and torts, are too extensive to describe in this small space. But notably, for example, even as the ABA proposal to increase the requirements for “experiential learning” was debated and evolved, there has been a recognition that practical training is being offered in traditional doctrinal courses as well as many other ways beyond supervised externships and clinics.⁴⁸ It is also worth noting in this context the immeasurable value of what law students can learn from their local role models, mentors, and teachers from practice and from local bar associations. It follows that finding formal and informal ways to get students outside the law school building in order to observe lawyers at work is valuable.

The purposeful methodical continuous self-improvement of legal education is the key to maintaining the excellence and progress of law schools in the U.S. Some people say America does not make anything anymore. Well, it still has the well-deserved reputation for making the best lawyers in the world.

We will not maintain our professional educational eminence by pursuing the false idol of so-called “practice ready” law graduates. In this writer’s opinion, that jargon should be expunged from our lexicon.⁴⁹ Yes! Our graduates should be ready

consequences, and the other involving analyzing, advising, and advocating what the law or rule should be—have been the core of my professional and academic work.

48. Hill, *supra* note 32. Note that practical training may be effectively delivered with self-study in immersive AI driven virtual learning based on a gaming platform and in mandatory or pro bono work, for example. *See* discussion, *supra* text accompanying note 32.

49. A personal and hopefully forgivable hobby horse of this writer is about words and phrases that should be jettisoned by the academy, which could be the subject of another article. That might include, for example, getting rid of or at least avoiding words such as “experiential” (training, practical, practice?), “pedagogy” (teaching), “queue” (oh come on!), “oeuvre” (Please! Isn’t it a bit pompous if one can be pompous a bit. I nearly fell out of my chair at one of my first faculty meetings as a dean when faculty considering appointments of new colleagues, used that word several times. I

to be useful and be hired for a meaningful job that fits their abilities and aspirations and launch a worthwhile career after they earn their J.D. But as any practitioner should admit, no one is practice ready when they end their formal legal education at commencement and begin their lifelong learning about how to practice law.

Nor should we expect nor want law school to be the best time of our students' lives. In fact, that would be sad. Hopefully, those days await them further ahead. Instead, we should do our very best to make law school the most transformative time of our students' lives. That is, we should enhance their readiness for the unpredictable, exciting future.

ACT THREE: PURPOSE

Academic institutions are, and always have been, field hospitals for what ails society.⁵⁰ It is important to spotlight for the members of our law school communities the worthy purpose of what they are teaching, studying, learning, and doing. If nothing else, keeping the purpose of our hard work and goals can help sustain and energize us all to overcome the challenges and worrisome distractions of the often-concerning circumstances of the times in which we live.

Understandably, academic faculty, staff, and students are troubled by the seemingly hopelessness of the many upsetting issues of our times coming at us from all directions. They may feel anxiously that our world is falling apart as if there will be no tomorrow. They worry about their own safety and the suffering of others. It is important for educators to remind academic communities, without downplaying the seriousness of contemporary problems, that the world has always been full of troubles, and it always will be. We also should help people to think about the purpose and the opportunity they will have to use the knowledge and training they are acquiring to make the world a different, better place, and contribute to history's slow, upward arc of progress.

Clarence Darrow was driven by his belief that "True patriotism hates injustice in its own land more than anywhere else."⁵¹ Those studying law inevitably will discover many other different inspiring role models, from lawyers and non-lawyers, including from their families, schools, and other relationships and experiences. They will learn from them about myriad rewarding ways a J.D. degree and a good person may find success and gratification in the service of others. When

eventually realized to discuss the body of work of candidates. I don't think I had ever before heard the word spoken aloud. At first, I thought my new colleagues were for some inexplicable reason talking about eggs), and here is what so far has been a stumper for me, what is a better way to refer to "part-time students." Those students are anything but part-time, they are double time folks, who don't deserve to be demeaned for the extraordinary effort it takes them to earn their J.D. For the record, "It's good enough," and "You don't have to do that." also are expressions I don't like to hear or utter. Harrumph!

50. This expression is adopted from the late Pope Francis's exhortation to religious congregations to be like field hospitals for wounded people. The Holy Father's words are reported by Deborah Castellano Lubov. Deborah Castellano Lubov, *Pope: The Church Is a Field Hospital*, VATICAN NEWS (Nov. 4, 2024, at 14:00 ET), <https://www.vaticannews.va/en/pope/news/2024-11/pope-francis-the-church-is-a-field-hospital.html> (thanking those who participated in the Third Meeting of Field Hospital Churches, the "Iglesias Hospital de Campaña").

51. *Clarence Darrow: Quotes*, *supra* note 22.

deciding whether to prepare for this necessary and honorable life's work, the most relevant question may be, "If not you, then who?" Another question we often hear that is on law students' minds is, "Am I good enough to make a difference." The emphatic answer is "Yes. You will be when you graduate from law school." And we might add, "The only sure way to fail is not to try."

Sir Thomas More, Clarence Darrow, and Justice Brandeis lived in tumultuous and dangerous times. So did Jefferson, Adams, Madison, Lincoln, Gandhi, Constance Baker Motley, Thurgood Marshall, Nelson Mandela, and Sandra Day O'Connor among many iconic legal heroes and everyday people who changed the world.

So do we all now. So can we all change the world for the better by working in common purpose with others, or even as one determined person, taking up even one issue at a time, eventually can achieve lasting solutions.⁵²

ACT FOUR: URGENCY

We are now faced with the fact that tomorrow is today. We are confronted with the fierce urgency of now. In this unfolding conundrum of life and history, there is such a thing as being too late. This is no time for apathy or complacency. This is a time for vigorous and positive action.⁵³

At present in America, we the people have arrived at an inflection point where we cannot take for granted the historic resilience of our established democratic

52. A recent example is the impact of the 2025 recipient of the Nobel Peace Prize, Maria Corina Machado, a symbol of democratic resistance to the authoritarian regime in Venezuela, whose legion of admirers includes President Donald Trump. Samantha Schmidt & Steve Hendrix, *Maria Corina Machado, Venezuelan Opposition Leader, Wins Nobel Peace Prize*, WASH. POST (Oct. 11, 2025), <https://www.washingtonpost.com/world/2025/10/10/maria-machado-nobel-peace-prize-venezuela/>. An example of collective action is the Rule of Law Global Academic Partnership (GAP) Conference, a non-partisan collaboration of law administrators and faculty throughout the U.S. and around the world to advance the rule of law and uphold democracy. According to Rule of Law GAP's social media page, "At this time of global challenge for the rule of law, law schools—and the lawyers and judges they train—have a critical role to play." Osgoode Hall Law School of York University, FACEBOOK (Sep. 11, 2025, at 09:37 ET), <https://www.facebook.com/photo.php?fbid=1333262015469230&id=100063563321571&set=a.182051273923649>. Rule of Law GAP held its first conference in Toronto on November 8, 2025. It explored nonpartisan concrete action that law schools in partnership with lawyers, judges, and professional organizations can take to advance the rule of law. It provided an opportunity for law school leaders and faculty, in collaboration with key legal leaders, to convene to share their research, civic education, programming, and teaching and plan next steps. It focused substantively around the four main Rule of Law GAP project areas: judicial independence and separation of powers, the role of lawyers and legal education, the role of universities and academic freedom, and due process. The conference was co-hosted by Hall Law School, Lincoln Alexander School of Law, Queen's University Law, University of Ottawa Faculty of Law, and Northwestern Pritzker School of Law. *The Inaugural Rule of Law Global Academic Partnership Conference: The Role of Law Schools in Advancing the Rule of Law*, YORK UNIV.: OSGOODE HALL L. SCH., <https://www.yorku.ca/events/theroleoflawschools/> (last visited Dec. 18, 2025).

53. Terri Moon Cronk, *King Legacy: 'Fierce Urgency of Now' Exists Today*, U.S. DEP'T OF WAR (Jan. 16, 2020), <https://www.defense.gov/News/Feature-Stories/Story/Article/2059480/king-legacy-fierce-urgency-of-now-exists-today/>. Dr. King's visionary exhortation seems apt to apply, and I sincerely hope appropriately, to the existential struggles to promote and defend our constitutional democracy and the rule of law.

institutions, norms, and even the inalienable right to life, liberty, and the pursuit of happiness.⁵⁴

This pivotal moment is a dramatic cue for real life 21st century heroes. Answering the call, enter lawyers stage right and left in our real-life drama.

By upholding the rule of law, practitioners, legal educators, and future lawyers can play a critical role, making both history and the future. They can help us prevent the story of our long-standing democratic republic coming to a tragic end, and by doing so remain on the right side of history and keep us all on track for better tomorrows.⁵⁵

To succeed, they must be lawyers for all seasons, who can cope with rapidly changing circumstances, threats, and resist external pressures and influences that threaten the rule of law. Lawyers know, and students in law schools across the U.S. are learning, how to defend and advance the public interest in the rule of law. They can midwife the rebirth of participatory democracy and informed self-government through their hallmark professional tools of civility, collaboration, and cooperation.⁵⁶

The law is neither a light nor an instrument of any kind to be used to gain an advantage for any person. Rather, in the words that dramatists attribute to a lawyer for all seasons: “The law is a causeway upon which, so long as he keeps to it, a citizen may walk safely.”⁵⁷ Lawyers are the guardians and guardrails for that refuge, in hard times a safe passage to a better world.⁵⁸

ACT FIVE: NEEDS

1. *Courage*

Leadership is not about comfort, or convenience. It is about courage. Not just courage in the face of physical danger, but courage to do the right thing without regard to political risk or self-interest. In America, it may be traced from the start of the Revolutionary War and the Declaration of Independence when as many as thirty-four of signatories of that founding document were lawyers and knew they were, in effect, signing their own death warrant.⁵⁹ The steadfast bravery continued throughout the American struggles for equal rights and justice for workers, consumers, and every citizen, often spearheaded by a multitude of lawyers, and

54. See ALEXANDER ET AL., *supra* note 45, at vii-viii (quoting the letter signed by 171 U.S. law deans pursuant to “our mission to train the next generation of leaders to uphold the core values of our profession and sustain the rule of law”).

55. See *id.*; discussion of the Rule of Law Global Academic Partnership, *supra* text accompanying note 52.

56. See ALEXANDER ET AL., *supra* note 45; discussion of the Rule of Law Global Academic Partnership, *supra* text accompanying note 52.

57. BOLT, *supra* note 4, Act II, p.92 (spoken by Sir Thomas More).

58. *Id.*

59. Lawyers can press the great lever of progress through their daily work on matters small and large, private and public, for rich and poor, while promoting access to quality affordable legal services including spending a significant amount of time working for free. Allard, *supra* note 38, at 216.

included legal work to form a more perfect union to advance rights for women, Native Americans, and people of color.⁶⁰ John F. Kennedy's Pulitzer-winning book, *Profiles in Courage*,⁶¹ is worth reading as a reminder of the need for and possibility of courage today.⁶² Similar spine stiffening may result from reflecting on the infamous red-scare Army-McCarthy hearings where Boston lawyer Joseph Welch stood up to U.S. Senator Joe McCarthy.⁶³

At this moment, the most urgent purpose of legal educators and lawyers is to have the courage to teach, uphold, and defend our constitutional democracy and the rule of law. We can and should resist and fight back against the onset of what could be the Great Repression. We may not be at the end of our democratic union, but we can see it from here. This is our time, as educators and lawyers, to step up. It is what we do. And we must.

The founders of our country were not made of timid stuff.⁶⁴ They taught us that leadership is not about comfort or convenience; it is about courage. We need to find the courage needed to sustain our constitutional democracy.

The words written by Thomas Jefferson found in the text of the Declaration of Independence are sadly, stunningly relevant today. That founding document is worth taking a few moments to read snout to tail as we approach its 250th anniversary and contemplate the future of democracy in the U.S. and around the world. It was adopted unanimously by the Second Continental Congress on July 4, 1776.⁶⁵

Remarkably, sadly, the British monarch's imposition of his will on colonial judges contrary to the then well-established protections under English law for independent objective judges, is only one of many listed grievances about King George III's and the British Government's tyranny that could be mistaken for breaking headline news today if transcribed into contemporary parlance.⁶⁶ For example, the twenty-seven paragraphs describing the specific grounds for the

60. See "250 Years of Independence: Fortifying America's Commitment to Liberty for All," which is the newest ABA traveling exhibit designed and intended to promote civic education about the history and relevance of the rule of law and lawyers' role in the ongoing effort to form a more perfect union. The exhibits are developed by the ABA Standing Committee on the Law Library of Congress and curated with the superb assistance of the Law Library of Congress expert staff. The most recent of five ABA traveling exhibits describes the courage of the founders and the history and contemporary relevance of the Declaration of Independence the 250th anniversary of its adoption approaches. Nicholas W. Allard, *Back to the Future with the Declaration of Independence*, A.B.A.: JD REC. (Oct. 6, 2025), <https://www.americanbar.org/groups/judicial/resources/jd-record/2025/back-to-future-declaration-of-independence/>.

61. See JOHN F. KENNEDY, *PROFILES IN COURAGE* (1956).

62. *Id.*

63. "Have You No Sense of Decency?", U.S. SENATE, <https://www.senate.gov/about/powers-procedures/investigations/mccarthy-hearings/have-you-no-sense-of-decency.htm> (last visited Dec. 18, 2025).

64. Quote attributed to Justice Hugo Black and Thomas Jefferson observed, "Timid men prefer the calm of despotism to the [boisterous] sea of liberty." *Thoughts on the Business of Life*, FORBES QUOTES, <https://www.forbes.com/quotes/9226/> (last visited Dec. 18, 2025).

65. *The Declaration of Independence: A History*, NAT'L ARCHIVES (May 14, 2018), <https://www.archives.gov/founding-docs/declaration-history#page-header>.

66. Allard, *supra* note 16.

American Revolution included: the King refusing to agree to and abide by duly enacted laws, denying colonists long established legal rights and process enjoyed by English subjects, unlawfully obstructing immigration, generally interfering with the administration of justice, creating numerous new government officials and offices to harass his subjects in the colonies and deprive them of their livelihood, imposing military presence and force on the civilian population, and cutting off trade from America with all parts of the world. Indeed, the Boston Tea Party was prompted by outrage over tariffs.⁶⁷

2. *Patience*

History has shown that democracies do not fall overnight, but are dismantled slowly, piece by piece. Ignoring constitutional limitations, weakening the judiciary, curtailing the press, and using executive power to silence dissent and punish adversaries are all steps in this process.⁶⁸

The legal work to be done to reverse the trend is not easy. Although few worthwhile things are easy, the degree of difficulty of the formidable challenges teaching constitutional law and the complex maneuvers required to defend democracy in the present era rival Olympic gold medal standards. It could give any lawyer “the twisties” like those the greatest gymnast of all times, Simone Biles, experienced and overcame.

It also is important to realize that the work of changing bad things is never done. Each of us is not required to finish the job or win all the good fights, yet neither should we refrain from taking on the challenge. What is needed is for each of us to try to do all the good we can do.⁶⁹

Maintaining our democratic republic, when the nation is made up of people with stubbornly heartfelt deep differences in needs, wants, and beliefs, is a tough job.

Keeping the U.S. in good working order requires constant effort, patience, and time to build consensus through negotiation and coalition building as well as intentional public discourse about civic responsibilities and virtues.

We must do more to promote sorely needed civic legal education. Lawyers must do more to fulfill the most essential requirement for our democratic republic, the informed consent of the governed to be governed. Our professional responsibility is to educate the public about the rule of law, and about how our brilliant cantilevered, self-correcting system of constitutional government and justice is supposed to work.⁷⁰

67. THE DECLARATION OF INDEPENDENCE para. 3-39 (U.S. 1776).

68. PBS, *Dismantling Democracy*, at 3:00-4:34 (PBS, Oct. 15, 2020), <https://www.pbs.org/video/dismantling-democracy-democracy-around-the-world-rpmhsz/> (on file with PBS).

69. *Day of Affirmation Address, University of Capetown, South Africa, June 6, 1966*, JOHN F. KENNEDY PRESIDENTIAL LIBR. & MUSEUM (Nov. 5, 2021, at 11:08 ET), <https://www.jfklibrary.org/learn/about-jfk/the-kennedy-family/robert-f-kennedy/robert-f-kennedy-speeches/day-of-affirmation-address-university-of-capetown-capetown-south-africa-june-6-1966>.

70. See ALEXANDER ET AL., *supra* note 45. Civic education, also is, for example, a priority of the Rule of Law GAP and many state bar associations.

Lawyers also can help broker desperately needed reconciliations even among the most hostile divided adversaries. We can set examples for people to emulate about how to disagree agreeably. And we can promote greater understanding about the benefits of outcomes where all interested parties gain by giving away some of what they wanted.

While the need to correct wrongs and the pursuit of justice is never ending, that is no excuse for not trying. Now the legal community can start to pull us back from the precipice of the dystopian lawless world we could fall into. We can begin by doing the necessary together, then turning to do what is possible. Eventually, as the people of the U.S. have always done when they join in common purpose, we can rise above crises and accomplish what seems impossible.

It is not easy work and is not for everyone. Yet for those who have the ability, creativity, and dedication to become lawyers, it can be an extremely satisfying career, a wonderful life.

Adherence to a government of laws and not of people, to borrow John Adams' phrase is tempting to abandon out of expediency, or to justify in terms of righteous certainty, about the virtue of the cause. History is full of examples where established laws were set aside for a compelling purpose. As William C. Duncan writes:

It is easy to dismiss some justifications for cutting legal corners (like [King Henry VIII's] marital ambitions), but sometimes the justifications can seem compelling, such as fear that an election could be "stolen," or concerns over gun violence. The rule of law is informed by a long view. The framers of the U.S. Constitution knew there would be no shortage of compelling situations. But they also knew that with time, emergencies can seem less pressing, and the exceptions they seem to justify can be recognized as embarrassing or morally reprehensible, like the internment of American citizens of Japanese descent during World War II.⁷¹

3. *Faith, Hope, and Charity*

Jacksonville's beautiful campus on the South shore of the St. John's River is full of great oak trees. They are everywhere and you sometimes crunch acorns underfoot when walking off the paved or beaten paths and often see a few very old fallen trees awaiting removal, or stumps and large branches that remain after a severe storm. Perhaps that is why I have been thinking so much about the unending continuous cycle of education in terms of the cycle of mighty oaks from tiny acorns to useful, huge trees that eventually make way for other newer trees to take their place.⁷²

71. Duncan, *supra* note 4; see *Korematsu v. United States*, 323 U.S. 214, 219 (1944).

72. I am also thinking of this because of the recent personal loss of people who have been great trees to lean on and learn from, such as Glen Yanik, my college roommate, and my Dad, who died a few days after his ninety-sixth birthday. At the time, I was in Los Angeles participating in a conference honoring the career of Professor Catherine Carpenter. In my remarks, I spoke about the lessons learned from my Dad, which included his Ten Commandments and cardinal principles of leadership. Before nominating my Dad for sainthood, I should confess that he would note almost weekly that there is nothing less Christian than Catholics leaving the parking lot after church.

On the day of this most recent Winter Solstice, I attended the funeral of a friend who had been my college roommate for three of my four years at Princeton. We roomed together all three of the years that you get to choose your roommates. He was a football lineman in college and a newlywed law student at Georgetown, who after serving as a U.S. Justice Department attorney, returned home to become a lawyer for his neighbors. He lived most of his legal career, died, and is buried in the same hard-working, devout, patriotic part of Pennsylvania where he grew up. Before this big oak of a man fell to the ground, he provided shade and shelter for his wife, nine children, twenty-nine grandchildren, and countless neighbors and clients who crammed the Catholic Church where his funeral service was held.⁷³

The funeral was on a day when the frigid cemetery ground was too hard for the internment of a casketed body, and the beautiful steep slope where the tree collared gravesite overlooks the home in which my friend raised his large family was too icy to risk graveside prayers. It helped that inside the snug, warm church the priest leading the service reminded us that each day following the Winter Solstice would be a bit brighter, especially if we hold on to and think of some of the many things about my friend's life to celebrate. In a sense, although my friend was leaving us in a profound way, he could still, always, be with us. His body dies, but his memory did not. While grief brings darkness, loss-driven emptiness, and pain, in time the passing of a good person who has taught people how to live in the service of others can be thought of as turning off a lamp that has done its job well at the brightening light of a new dawn.

Compounding these such personal, poignant, yet uplifting moments is the disheartening, sad state of our world. Yet we law deans are blessed to be with bright talented young people and dedicated coworkers every day. We also know that with their help progress is possible. There are many opportunities that we encounter almost every day to use what experience we have gained, and to encourage others to do what they can to make each day, and each tomorrow, brighter.

If we have faith as small as a tiny mustard seed, we can move any mountain. Surely looking at those who we are privileged to work with and those we teach each day we can have more than enough faith to make a positive difference. It matters not if many others do not yet join us. Our faith in what we believe to be right and our faith in our mission will save us.

If we recall how much throughout the fitful imperfect history of humankind even one person, or even a dozen people, or waves of dozens and dozens of communities of people can accomplish in the pursuit of equal justice and the common good, then we can justifiably hope to continue the sometimes gradually, other times abruptly tectonically, shifting upward arc of progress.

Faith, Hope, and Charity are what matter most in living a good worthwhile life, not fortune or fame. That is, because happiness, satisfaction, and ultimately redemptive renew earned or by overcoming setbacks, missteps, and shortcomings

73. I cannot remember the last time I cried. In fact, I do not remember ever crying, though I must have done so. Still, unexpectedly, when I came alongside his open casket I started bawling uncontrollably. Some of us who find that the lions are eating on our side of the river have been having similar experiences with increasing regularity.

come from how well we live our lives, especially in the service of others. That is why legal education opens many doors to a good, wonderful life.⁷⁴

EPILOGUE

“The legacy of a great dean is written in the success of their students.”

That was another verbatim message in one of Dean Crowell’s fortune cookie treats.⁷⁵

Actually, it should not tempt fate to acknowledge that it is not the dean’s legacy, but the legacy of a law school that is written in the success of its students. By that measure, our own graduates, of whom we could not be prouder, nor love more, as I am sure you are of yours, will be the authors of great storied law schools. Onward. Elevate.

74. See Nicholas Allard, *Commentary: Ain’t Nothin’ Broke Legal Jedi Can’t Fix*, JACK. DAILY REC. (Sep. 4, 2024, at 01:05 ET), <https://www.jaxdailyrecord.com/news/2025/sep/04/commentary-aint-nothin-broke-legal-jedi-cant-fix/>.

75. Purportedly, there was a third message in the Crowell fortune cookies that which I witlessly ate before thinking to look for it. If I had successfully found the third message before consuming more than my fill of a mountain of fortune cookies, this article might have been longer. Note that we celebrated finishing writing this piece with a Chinese meal, and my fortune cookie read: “Character development is the true aim of education.” Cross my heart.