

EMBRACING CHANGE, SUSTAINING LEGITIMACY, AND SERVING SOCIETY: A FOUR-PILLAR FRAMEWORK FOR MODERN LEGAL EDUCATION

*Brian A. Pappas**

Over the past 125 years, there have been notable changes in Legal Education: clinical education expanded,¹ skills-based and legal-writing instruction emerged,² and today, law schools are both more diverse and less authoritarian in their approach to teaching.³ Despite these innovations, U.S. legal education still mirrors Langdell's 19th-century model.⁴ Rapid technological advances, shifting demographics, and declining public trust demand a fundamental reorientation. Legal education, as it stands, is ill-equipped to remain relevant during rapid technological and social transformation.⁵ The Artificial Intelligence (AI) revolution is here, and technology will at a minimum replace most of the basic work assigned to associates, requiring us to rethink legal practice, legal education, and the skills necessary for success.⁶ AI represents not just another development, but the latest and most disruptive test of an educational system that has resisted structural change for more than a century. These changes will require the legal academy to make fundamental shifts in both mission and execution.

The core pillars of legal education should be Access and Opportunity, Excellence and Accountability, Community Impact, and Affordability. The

* Brian A. Pappas, Ph.D., J.D., LL.M., M.P.P, currently serves as Chancellor of Indiana University South Bend. Thank you to Patti Alleva, Brad Parrish, and Nick Datzov for their helpful comments on earlier drafts. This work reflects my views alone and does not necessarily reflect anyone's views at the University of North Dakota School of Law.

1. See Minna J. Kotkin, *Clinical Legal Education and the Replication of Hierarchy*, 26 CLINICAL L. REV. 287, 289-91 (2019); Margaret Martin Barry, *Practice Ready: Are We There Yet?*, 32 B.C. J.L. & SOC. JUST. 247, 256-62 (2012).

2. STANDARDS FOR APPROVAL OF L. SCHS. & INTERPRETATIONS, Standard 302(a)(ii) (A.B.A. 1995); see also Leslie M. Rose, *Norm-Referenced Grading in the Age of Carnegie: Why Criteria-Referenced Grading Is More Consistent with Current Trends in Legal Education and How Legal Writing Can Lead the Way*, 17 J. LEGAL WRITING INST. 123, 131-32 (2011) (describing the great strides of legal writing over the past two decades).

3. L. Danielle Tully, *What Law Schools Should Leave Behind*, 22 UTAH L. REV. 837, 844 (2022) ("Classrooms are less authoritarian. Faculties are more diverse; more first-year 'skills faculty' are hired into tenure-line or tenure-line equivalent positions.").

4. Todd D. Rakoff & Martha Minow, *A Case for Another Case Method*, 60 VAND. L. REV. 597, 597 (2007).

5. Steven R. Smith, *The Fourth Industrial Revolution and Legal Education*, 39 GA. ST. U. L. REV. 337, 337 (2023).

6. Jim Stone, *Legal/Compliance Tech Sector Report*, CASCADIA 18 (2024), <https://www.cascdiacapital.com/wp-content/uploads/Cascadia-Legal-Compliance-Tech-Industry-Report-2024.pdf>.

mission of modern law schools must be to deliver an outstanding education to as many students and communities as possible, at a sustainable cost, while equipping graduates with the practical and ethical skills to serve every segment of society. These pillars are not aspirational ideals, but structural necessities for law schools seeking relevance amid technological transformation and evolving social expectations. Although not every institution must prioritize every pillar equally, the profession's collective success depends on broad access and a shared commitment to innovation, differentiation, and pedagogical reform. No student should complete law school, pass the bar, and enter practice lacking the foundational skills required to serve clients competently.⁷

At the University of North Dakota (UND) School of Law, where I served as dean from 2022 to 2025, legal education produced tangible and immediate results. With a small and welcoming practicing bar, students gain immediate practical experience and join a uniquely close-knit professional community. UND's faculty and staff work at the cutting edge of the attributes that undergird the four pillars, and my experience at UND significantly impacted my views about legal education. There is so much to celebrate about legal education, but that is for a different article. Legal educators should not be confined by history and customs from adapting to new realities and evolving to meet society's needs. The future of legal education depends on whether we act decisively to shape it.

I. ACCESS AND OPPORTUNITY

Ensuring access to legal services is not only a professional duty, but a democratic necessity. The legitimacy of the legal profession depends in part on ensuring Americans have widespread access to legal services. Legal services should not only be available to businesses, the wealthy, or certain segments of society. With societal shifts, the law is increasingly viewed as political. Incivility is on the rise, and while lawyers are needed more than ever, the profession has not done enough to prioritize access to legal services as key to the profession's future. Law schools play a key role in providing access to legal education and thus opportunities for all communities to be served by a lawyer. Law schools' mission is not only to educate, but also to safeguard the profession's legitimacy. Professional legitimacy depends on people having access to legal services, on lawyers serving citizens with a plurality of viewpoints and backgrounds, and on lawyers fulfilling an important function as protectors of civility and the rule of law.

Large segments of our society lack access to lawyers. Legal services average \$300 an hour, making a lawyer inaccessible for anyone middle class or below.⁸

7. Tully, *supra* note 3, at 842; Milan Markovic, *The Law Professor Pipeline*, 92 TEMP. L. REV. 813, 833 (2020); Joan W. Howarth, *What Law Must Lawyers Know?*, 19 CONN. PUB. INT. L. J. 1, 5 (2019) (“[M]ost law schools have been extremely focused on the academic study of law, not preparation for the practice of law.”); Dyane L. O’Leary, “Smart” Lawyering: Integrating Technology Competence into the Legal Practice Curriculum, 19 U.N.H. L. REV. 197, 197 (2021) (discussing that law schools have a duty to incorporate technology competence into their required curricula).

8. Nora Freeman Engstrom & David Freeman Engstrom, *Justice for All? Why We Have an Access to Justice Gap in America—And What Can We Do About It?*, STAN. L. SCH.: SJS BLOGS (June

The cost of legal services is a significant reason for not seeking representation, and few people without means have access to legal services.⁹ Further, there are industries dedicated to reducing legal costs and the need for lawyers.¹⁰ Most people do not want to talk to a lawyer, even when they need one.¹¹ As fewer people seek lawyers, demand for law school could decline, which in turn will weaken the supply of available new lawyers and further limit access to legal services. Demand for legal services naturally impacts the demand for legal education, which is already facing a demographic cliff of fewer high school graduates over the next ten years.¹²

Despite a lack of affordable access to legal services, our society seemingly faces more conflict than ever before. Social media and technology are changing how people interact, creating more conflict but less ability to resolve it.¹³ Incivility is all too common in the United States, with a 2025 survey indicating 77% of workers had experienced and witnessed incivility over the past month.¹⁴ Political identity has become social identity, and the American people are increasingly at odds with one another.¹⁵ Polarization leads to a lack of willingness to compromise, with the losing side resorting to the courts and putting the judiciary in a position of distrust with a large segment of society.¹⁶ A divisive approach to politics and

13, 2024), <https://law.stanford.edu/2024/06/13/justice-for-all-why-we-have-an-access-to-justice-gap-in-america-and-what-can-we-do-about-it/>.

9. Sarah Bottorff, *Why People Aren't Hiring Lawyers Anymore (and What You Can Do to Convince Them Otherwise)*, THE NAT'L L. REV. (Nov. 12, 2021), <https://natlawreview.com/article/why-people-aren-t-hiring-lawyers-anymore-and-what-you-can-do-to-convince-them> (citing cost as a significant factor); Mary C. Slosar, *The Justice Gap: Measuring the Unmet Civil Legal Needs of Low-Income Americans*, LEGAL SERVS. CORP., 7-8 (2022), <https://justicegap.lsc.gov/resource/2022-justice-gap-report/> (92% of low-income Americans do not get any or enough legal assistance for 92% of substantial civil legal problems).

10. Sarah Murray, *Legal Sector Disruptors Hone Generative AI Response*, FIN. TIMES (July 31, 2025), <https://www.ft.com/content/46becc4-fa71-4419-98f6-a3edc09f7b4d> (describing how Alternative Legal Services Providers (ALSPs) market is worth \$28.5 billion in 2023); Stone, *supra* note 6, at 35.

11. *More Than Half of Americans Mistakenly Think They Have a Right to an Attorney in All Civil Cases*, LEGAL SERVS. CORP. (July 29, 2024), <https://www.lsc.gov/press-release/more-half-americans-mistakenly-think-they-have-right-attorney-all-civil-cases> (59% of people experiencing a civil legal dispute in the past three years did not seek legal help, even in scenarios where professional help could be crucial).

12. Dan Bauman, *Colleges Were Already Bracing for an 'Enrollment Cliff.' Now There Might Be a Second One.*, THE CHRON. OF HIGHER ED. (Feb. 7, 2024), <https://www.chronicle.com/article/colleges-were-already-bracing-for-an-enrollment-cliff-now-there-might-be-a-second-one> (noting that enrollment is expected to decline up to fifteen percent from 2025 to 2035).

13. See Emily A. Vogels, *The State of Online Harassment*, PEW RSCH. CTR. 3-6 (Jan. 13, 2021), https://www.pewresearch.org/wp-content/uploads/sites/20/2021/01/PI_2021.01.13_Online-Harassment_FINAL-1.pdf.

14. *Civility Index: Q1 2025 Results*, SOC'Y FOR HUM. RES. MGMT. 4 (Mar. 2025), <https://www.shrm.org/content/dam/en/shrm/topics-tools/topics/civility/starter-kit/shrm-q1-2025-civility-index-a-bstract.pdf>.

15. Rachel F. Moran, *A Perfect Storm for Legal Education: Privatization, Polarization, and Pedagogy*, 85 U. PITT. L. REV. 331, 342 (2023).

16. *Id.* at 347-48.

conflict thus undermines legal institutions and our democratic process.¹⁷ This context underscores why access and opportunity are not just educational issues but democratic imperatives.

Access is not only who gets into law school; it is whom our graduates can competently serve. Our commitment is to prepare lawyers who work effectively with every kind of client—across ideology, income, geography, culture, and faith—while modeling civility and fidelity to the rule of law. We must teach the people skills of lawyering—listening, counseling, conflict management, and cross-cultural negotiation—so graduates can serve small towns and cities alike, faith-based nonprofits and immigrant entrepreneurs, farm co-ops, and start-ups. This is viewpoint-inclusive by design and anchored in professional identity, not politics. It strengthens legitimacy, expands real access to counsel, and rebuilds public trust.

A. *Restoring Civility and Upholding the Rule of Law*

Lawyers must serve as guardians of both civility and the rule of law. The rule of law is a key feature of American democracy, and it is not a partisan issue—judges must be able to operate with fairness and impartiality, insulated from political pressure, and responsible only to ensure that the law is followed.¹⁸ Access to lawyers and respect for legal institutions are inseparable; public trust in the rule of law cannot exist if the public lacks meaningful access to legal representation. Yet a rise in toxic online discourse and incivility in public debate has reduced the legitimacy of our democratic processes.¹⁹ Our societal shift away from trusted news sources and towards social media are factors which cause the public to further question whether the law is fairly and accurately established and enforced.²⁰ We are in a post-truth era in which objective facts do less to shape public opinion than personal beliefs or emotional appeals.²¹

Lawyers take an oath to support the Constitution and respect the courts, and thus when legal institutions are targeted, lawyers play a key role as gatekeepers of legal legitimacy.²² Despite training generations of lawyers dedicated to the rule of law, the last few decades have seen law schools training students to advocate

17. *Id.* at 342.

18. Brittany Kauffman, *When the Rule of Law Is Under Attack, We Must Stand Together*, INST. FOR THE ADVANCEMENT OF THE AM. LEGAL SYS. (Apr. 9, 2025), <https://iaals.du.edu/blog/when-rule-law-under-attack-we-must-stand-together>.

19. Diana C. Mutz & Byron Reeves, *The New Videomalaise: Effects of Televised Incivility on Political Trust*, 99 AM. POL. SCI. REV. 1, 13 (2005).

20. *See, e.g., Courting Public Trust and Confidence: Effective Communication in the Digital Age*, CONF. OF STATE CT. ADM'RS, 5, 7, https://cosca.ncsc.org/sites/default/files/media/document/CO_SCA-Policy-Paper-Courting-Public-Trust.pdf (last visited Dec. 18, 2025).

21. Jason Steinhauer, *The Era of 'Self-Evident' Truth Is Over. Today's America Is Founded on Belief Instead*, TIME (July 1, 2022, at 12:00 ET), <https://time.com/6192894/self-evident-truths/>.

22. Scott L. Cummings, *Lawyers in Backsliding Democracy*, 112 CAL. L. REV. 513, 518-19 (2024).

effectively for whomever they were representing.²³ With a neutral viewpoint towards justice and an instrumental approach towards law, the separation between law, society, and morality results in a majority of lawyers with a relativistic focus on individualism and client representation.²⁴ Eli Wald argues the legal curricular model divorces law, morality, and justice to focus on an individually-based, competitive, and adversarial model of law based on client needs.²⁵

Law schools should introduce and prioritize access to legal services as key aspects of how to think like a lawyer; “instead of pretending and instituting the great divorce of law from justice as the natural and inevitable state of affairs.”²⁶ Law schools are criticized by both ends of the political spectrum: the left wants law schools to educate students in order to challenge the status quo, while the right believes law schools have adopted a radical critical race agenda that neglects the fundamentals of legal education.²⁷ High profile events at elite institutions, where speakers’ opinions were opposed and shouted down by large groups of students, have led to negative publicity for legal education.²⁸ Huq and Michales note “[l]aw schools can look forward to more bitter public fights, more disillusioned students, and increasing doubts about the social value of a scholarly enterprise so beholden to the prevailing partisan current of the day.”²⁹

B. *Pluralism as the Foundation of Legitimacy*

The question becomes how is justice defined, and who gets to define it? For the legal academy, the answer must be a purposeful dedication to plurality and examining justice in all its forms and permutations. Legitimacy depends on embracing plurality. Instead of retreating to specific political stances, legal education must embrace a plurality of viewpoints in the quest to teach critical analysis and introspection. Open mindedness is a gateway virtue for other capacities, such as

23. See James Huffman, *Legal Education and the Rule of Law*, 60 CAL. W. L. REV. 571, 572 (2024); Eli Wald, *A Liberal Theory of Legal Education*, 75 ALA. L. REV. 563, 573 (2024) (“Law students arriving in law schools, in part motivated by a desire to ‘save the world,’ and pursue ‘justice,’ were taught instead to ‘think like a lawyer,’ arguing both sides of every point so they can effectively advocate for clients’ rights. There were no ‘right’ and ‘wrong’ positions to be taken, just legal positions, to be determined by paying clients.”).

24. Wald, *supra* note 23, at 575-76 (arguing that challenges to the paradigm of “thinking like a lawyer” led to skills training and identity formation which further cemented deference to paying clients, hard-core individualism, at the expense of justice and equity considerations); Cummings, *supra* note 22, at 613 (“Legal education incubates...an ideology that allows lawyers to pretend ‘evil deeds are not evil when done in the service of a paying customer.’”) (citation omitted).

25. Wald, *supra* note 23, at 575.

26. *Id.* at 591.

27. *Id.* at 565.

28. See, e.g., Eda Aker & Philip Mousavizadeh, *Yale Law Students Protest Anti-LGBTQ Speaker, Armed Police Presence Triggers Backlash*, YALE DAILY NEWS (Mar. 15, 2022, at 02:14 ET), <https://yaledailynews.com/blog/2022/03/15/yale-law-students-protest-anti-lgbtq-speaker-armed-police-presence-triggers-backlash/>.

29. Aziz Z. Huq & Jon D. Michaels, *Law Schools Have a Supreme Court Problem*, THE CHRON. OF HIGHER EDUC. (July 18, 2022), <https://www.chronicle.com/article/law-schools-supreme-court-sycophancy>.

empathy, humility, and self-awareness, characteristics necessary in order to “think like a lawyer” and resist being captured by one’s own ideology or emotions.³⁰ David Sandomierski argues that law schools must prepare students for the real world by cultivating versatility, specifically to embrace plural and not singular models of what it means to think like or work like a lawyer.³¹ Lawyers cannot serve only certain segments of society—public trust in the judicial system and the legitimacy of the law profession both depend on plurality.³² Plurality operates as inclusion—not a separate goal from access, but its natural extension. The more the profession is representative of society, the greater its reach of justice. Teaching critical perspectives on the law, including critical race theory, should be encouraged, so long as it is part of a wider curriculum encompassing numerous perspectives. No faculty should be required to teach specific subjects or topics, but the curriculum should offer a range of perspectives. This commitment to pluralism is viewpoint-inclusive and client-focused; it equips graduates to advise any client with civility, humility, and respect. Public trust in lawyers depends on legal education demonstrating a dedication to examining a plurality of viewpoints to develop critical thinking skills.

We need principled lawyers ready to protect people’s rights, prepared to serve in difficult public roles, and willing to engage respectfully in a wide range of perspectives.”³³ Cohesion between these themes is essential—by linking access, civility, and pluralism, law schools can show that improving opportunity is not just a numbers issue but a legitimacy issue that underpins democracy itself. The legal academy must do more to facilitate greater access to lawyers and encourage public demand for lawyers as a key component of maintaining lawyers’ societal legitimacy. To do so, law schools must attract law students from all communities. For example, too many lawyers are retiring from small towns, new lawyers are not replacing them, and this is reducing access to lawyers.³⁴ In general, fewer Americans are choosing to live in rural America as our population shifts towards urban and suburban areas.³⁵ In North Dakota, I visited all fifty-three counties in my first year as the law school dean. Attorneys can have a great life in small towns. From serving as a state’s attorney to opening a general practice, small town attorneys are pillars of their communities. They serve on local boards and provide valuable community leadership. They also provide valuable contract, business

30. Kenneth Townsend, *Forming Good Lawyers*, 58 WAKE FOREST L. REV. 981, 1001 (2023).

31. David Sandomierski, *Cultivating Versatility: The Multiple Foundations of the Law School’s Public Mission*, 46 DALHOUSIE L.J. 229, 232 (2023).

32. Anna Russian & Elizabeth Bodamer, *LSAC’s Knowledge Report: The Composition of the First-Year Law School Class and Enrollment Trends*, L. SCH. ADMISSION COUNCIL 4 (2025), <https://www.lsac.org/sites/default/files/research/2025-Composition-Report.pdf>.

33. Townsend, *supra* note 30, at 1002.

34. Nick Devine, *Equality Before the Law: Ending Legal Deserts in Rural Counties*, GEO. J. ON POVERTY L. & POL’Y: ONLINE (Nov. 3, 2020), <https://www.law.georgetown.edu/poverty-journal/blog/equality-before-the-law-ending-legal-deserts-in-rural-counties/> (noting that rural attorneys are retiring faster than they can be replaced, due to fewer newcomers moving into rural practice).

35. Tim Henderson, *Shrinking Rural America Faces State Power Struggle*, STATELINE (Aug. 10, 2021, at 00:00 ET), <https://stateline.org/2021/08/10/shrinking-rural-america-faces-state-power-struggle/> (showing that rural areas lost 226,000 people, or .5%, between 2010 and 2020, while cities and suburbs grew by 8% or 21 million people).

formation, tax, and family law advice and services. One attorney even told me he was making upwards of \$250,000 a year and enjoyed terrific work-life balance. People in small towns value personal connection and working with people who are from the community.

Fewer attorneys living in small towns limits access to legal services, but it also means fewer lawyers to take a leadership role in the community and fewer role models for kids to emulate. This further widens the divide between people who have access to legal services and those who do not. Despite living in communities with few to no lawyers, not many people unaffiliated with the courts or law on my North Dakota tour said, “We need more lawyers here.” Access to lawyers enhances public understanding of their value. Like doctors, lawyers are essential professionals for sustaining healthy rural communities. It is much easier to sell communities on doctors and other health professionals, but rural areas need a variety of professionals living locally to sustain a robust local economy.³⁶ AI may change this dynamic, and many lawyers are already providing services online. But without lawyers physically practicing in the community it limits peoples’ interactions. Lawyers’ community leadership role is important, which impacts how the profession is viewed, provides political support for law and rule of law, and encourages others to join the profession.

Law schools can better provide access by implementing online programs of legal instruction.³⁷ Since 2013, law schools have been able to apply for variances from the standards and provide instruction online.³⁸ There are now at least sixteen schools who offer hybrid programs offering a law degree through different combinations of in-person and online courses.³⁹ There are part-time, online-only programs available at St. Mary’s, Southwestern, Ohio Northern, and Case Western Universities.⁴⁰ In May 2023, the American Bar Association’s (ABA) Section of Legal Education and Admissions to the Bar voted to update the accreditation standards to allow law students to earn up to 50% of credits towards a Juris Doctor through distance learning.⁴¹ Law schools may still apply for variances.

There are numerous reasons to develop online legal programs, including (1) the potential to alleviate profound lawyer shortages in rural areas, (2) existing student familiarity with online education in high school and college, (3) the potential cost savings of online education, and (4) the resulting lower debts that

36. It is not just lawyers who are desperately needed, but accountants, dentists, doctors, and nurses.

37. Shaun G. Jamison & Hannah Catt, *Law Schools Can Ease the Drought in Rural ‘Legal Deserts,’* BLOOMBERG L. (Apr. 25, 2023, at 04:00 ET), <https://news.bloomberglaw.com/us-law-week/law-schools-can-ease-the-drought-in-rural-legal-deserts>; Andrele Brutus St. Val, *Distance Learning: New Tech, Old Problems*, 32 GEO. J. ON POVERTY L. & POL’Y 59, 59 (2024).

38. Adrien Katherine Wing, *Proposed Updates to ABA Standards on Distance/Remote Education*, 78 ARK. L. REV 299, 303 (2005).

39. *Id.* at 303-04.

40. *Id.*

41. Karen Sloan, *Law Students Can Take 50% of Classes Online, with ABA Rule Change*, REUTERS (May 12, 2023, at 14:24 ET), <https://www.reuters.com/legal/government/law-students-can-take-50-classes-online-with-aba-rule-change-2023-05-12/>.

may lead to greater access to legal services.⁴² Preliminary data from the required reviews of experimental online programs indicate no statistical difference between the student progress in person versus online at the same school.⁴³ Further, other professions have successfully incorporated online education.⁴⁴ There are also reasons to oppose online legal programs, including (1) skepticism about whether online legal education can work; (2) evidence that hybrid online programs do not exhibit cost savings from in-person programs; (3) threats to enrollment at existing brick-and-mortar law schools; (4) challenges with inadequate internet access, technology, and student spaces at home to study; (5) concerns about potentially lower bar pass rates and higher attrition rates; (6) issues with faculty competence with technology; (7) challenges due to the lack of personal contact (including for mentorship, student-interaction, and live-client learning experiences); (8) questions whether states will allow online graduates to sit for the bar exam; and (9) concerns about whether online students will actually locate in areas where there are lawyer shortages.⁴⁵

One major challenge to online education is often overlooked in these debates—how do you engage students in an online forum? Online legal education is not as simple as pointing a camera towards the front of the room. I taught an asynchronous online course titled *Online Dispute Resolution* at Michigan State University from 2010 to 2014. It was an enormous amount of work, and the biggest lesson was aligning the assignments, activities, and readings directly to the learning outcomes. As the next sections indicate, curricular change and improved pedagogy are not only possible through online instruction. While many faculty love teaching online, plenty do not. Offering enough core courses and electives online is a challenge without a critical mass of online students. While the numbers of schools offering accredited distance programs continue to rise and students are demanding more remote options, most full-time law professors only allow distance learning when it is convenient or desirable.⁴⁶

The online education question will answer itself. In 2012, 75% of college students took all their classes in person, with 12.4% taking all of their classes online, and 13.1% taking some of their classes online.⁴⁷ By 2020, only 26.6% of college students took none of their classes online, and in 2022 over half of all college students (more than 10 million total) enrolled in at least one online course.⁴⁸ The market will continue to demand online education, and students will gravitate towards online opportunities. Inquiries about online education were

42. See Wing, *supra* note 38, at 307-10.

43. *Id.* at 308 (citing William E. Adams, Jr., *Distance-Education Allowances and Academic Freedom in Law Schools: Recent Developments in the ABA Standards*, 92 BAR EXAM’R 17, 17 (2023)).

44. *Id.* (describing 301 ranked online MBA programs compared to 475 residential MBA programs).

45. *Id.* at 310-12.

46. Rachele Holmes Perkins, *AI Now*, 97 TEMP. L. Rev. 227, 233-34 (2024).

47. Genevieve Carlton, *2024 Online Learning Statistics*, FORBES (Aug. 23, 2024, at 10:31 AM), <https://www.forbes.com/advisor/education/career-resources/online-learning-stats/> [https://perma.cc/3DP4-XGT9].

48. *Id.*

frequent during my tenure as dean. It is not easy to convince people to locate in rural communities. At UND we utilized Larson Foundation funds to award thirty \$8,000-\$12,000 summer stipends to encourage people to work in rural parts of the state.⁴⁹ In addition to trying to attract people to the law school, let's bring the law school to them. The best way to meet enormous legal needs is to train future lawyers without requiring them to leave their communities. Part-time online education allows students to stay in their jobs and support with their families while getting the degree they need to better serve their communities. To not offer an online option excludes excellent people from the profession.

Overall, the avoidance of lawyers and unmet legal needs pose an enormous external threat to legal education. By neglecting access and opportunity, legal education invites technological replacement and risks irrelevance. Lawyers should not be available only to the privileged few, and a positive public perception of lawyers depends on people having positive experiences with lawyers in both the community and in their experiences getting assistance when needed. Lawyers are not for the few—they are for everyone. The legal system does not meet the needs of most everyday people.⁵⁰ The public lacks trust in the legal profession and in the judicial system.⁵¹ Legal education cannot indefinitely resist these broader societal pressures. Legal education must provide access and opportunity to law students, so they can provide it to society. With technological advances on one end, and questions about the value of lawyers on the other, law schools may struggle to maintain the enrollments of the past. Being an access institution and prioritizing opportunity will be key if legal education will meet society's needs.

II. EXCELLENCE AND ACCOUNTABILITY

Excellence in legal education must be measured by competence, not just credentials. What does it mean to deliver an excellent legal education? Does it mean graduating students who pass the bar? Does it mean providing an excellent education irrespective of bar passage? There is a growing consensus that excellence means more than graduating students who can pass a bar exam. New lawyers need to be equipped with fundamental practice skills. It is unacceptable that paralegals graduate knowing more about the practice of law than new lawyers. This ties back to the access pillar: just as access broadens opportunity, excellence requires redefining accountability so that law schools are measured by the real-world competence of their graduates. No one should graduate from law school and be licensed to practice law without knowing basic things, like how to file a lawsuit. The current system allows graduates to enter practice without demonstrating

49. *Edson and Margaret Larson Foundation North Dakota Summer Rural Justice Scholarship*, UNIV. OF N.D.: SCH. OF L., <https://law.und.edu/academics/larson-foundation-rural-justice-scholarship.html> (last visited Dec. 18, 2025).

50. Margaret Y.K. Woo et al., *Access to Civil Justice*, 70 AM. J. COMPAR. L. 89, 89 (2022) (showing that over three-fourths of all civil litigants do not have legal counsel in the United States, driven by the cost of representation).

51. See Ethan Wright, *A Downward Spiral: The Relationship Between Distrust and Regulation in the Legal Profession*, 45 J. LEGAL PRO. 261, 263 n.15 (2021) (citing *Honesty/Ethics in Professions*, GALLUP (2020), <https://news.gallup.com/poll/1654/honestyethics-professions.aspx>).

competence. Delivering excellence in legal education means revising the curriculum to add new competencies that can be assessed, improved upon, and confirmed. Students reading from appellate cases and learning litigation skills must also understand communication, human behavior, and conflict resolution, as it is 98% of the work of an attorney.⁵² Future lawyers must be as adept in preventing lawsuits as they are in litigating them.

The transformation of legal education will occur in parallel with AI-driven changes to legal practice. Unless legal education adapts, future generations of lawyers will be ill-equipped for jobs that will look very different than the legal work that occurs today. Memorization is not a core lawyering skill, but metacognition and the ability to use AI to analyze increasingly complicated questions and find answers quickly will become fundamental to practice. By not prioritizing excellence and accountability, legal education will aid and accelerate technological replacement.

Compounding this challenge, legal education must also address the profession's growing mental health crisis. To deliver excellence, legal education must be held accountable for providing an outcome-based education that develops healthy, practice-ready graduates prepared for the AI revolution.

A. *Changing Accreditation Standards and a New Bar Exam Will Require Fundamental Shifts in Legal Education.*

Law schools and bar exams are part of a system that may permit students to become lawyers without demonstrating minimum competence. As noted above, students are often surprised that even after graduating from law school and passing the bar exam, they will not have enough skill or knowledge to practice law. The current bar exam is not the ultimate indicator of competence.⁵³ While bar exams exhibit validity for testing elementary skills like legal writing, legal analysis, and critical reading—they do not test interviewing, negotiation, relationship building, communication, and case management skills.⁵⁴ Good lawyers do not rely on memorization, but instead on knowing how to find the information they do not currently understand.⁵⁵

The practice of law is far more than memorizing legal rules and being able to take multiple choice tests. In a survey of lawyers, law students, professors, judges, and administrators, 64.4% believed successful lawyers do not need to memorize

52. Michigan State University College of Law's 1L curriculum from 2012 included a contract negotiation course in which all students learned negotiation fundamentals, contract drafting, client interviewing, and then worked in teams to negotiate and draft a contract. Co-taught between contracts and Alternative Dispute Resolution (ADR) professors, the course significantly shaped my views on pedagogy and curriculum. I am thankful to Dean Joan Howarth and my co-teachers Mary Bedikian, Kathy Payne, and Elliot Spoon.

53. Nachman N. Gutowski, *NextGen Licensure & Accreditation*, 22 U.N.H. L. REV. 311, 313 (2024).

54. Howarth, *supra* note 7, at 7-8.

55. *Id.* at 13-14.

the law.⁵⁶ Additionally, 60.6% believed bar exams should not use a closed book format to determine licensure.⁵⁷ Current bar exams are too easy for students who excel at multiple-choice exams and too difficult for students who are not adept at memorizing extensive legal rules.⁵⁸ Strong test takers may not need additional prep for the bar. Law schools with a mission focused on opportunity and access tend to accept students with lower Law School Admission Test (LSAT) scores. Elite law schools enroll students with the top LSAT scores and thus do not need to focus on test-prep and pay virtually no attention to it. As Michigan State College of Law Dean Emeritus Joan Howarth notes, “the less the school focuses on bar exam preparation, the ‘better’ the law school.”⁵⁹

Further concerns relate to how accreditation and licensure relate. As Nachman Gutowski, the Director of Academic Success at UNLV William S. Boyd School of Law notes, since Bar Exam performance correlates to law school performance, requiring a replication of law school education performance is redundant.⁶⁰ ABA Standard 316 links accreditation with licensure, and requires that law schools maintain a two-year post-graduation ultimate bar pass rate of 75%.⁶¹ Typically schools must describe how their curriculum supports the student in successfully passing a licensing exam. Psychology professional licensure, like medical schools, accounting, and engineering, do not “attach personal post-graduate performance” with school accreditation in the aggregate.⁶² Gutowski concludes:

Either the ABA is needed to accredit law schools to provide sufficient levels of protection in education, in which case they should be able to practice after graduation, or the need for an exam is a direct response to the inability of the ABA to enforce and adhere to its own unrealistic and arbitrary standards. It cannot be that the ABA accreditation needs to be pervasive and so authoritative, yet still need a summative exam. It is at best one or the other.⁶³

The first step towards improving is to determine what are the knowledge, skills, and abilities that constitute minimum competency. Only then can licensure be aligned with competence.⁶⁴ As Michigan State College of Law Dean Emeritus, Joan Howarth notes, requirements for licensure should be laser focused on

56. Matthew Marin & Amanda Fisher, *Memory: The Past, Present & Future of Law School Exams*, 38 W. MICH. U.T.M. COOLEY L. REV. 29, 39 (2023).

57. *Id.* at 42.

58. Howarth, *supra* note 7, at 13.

59. *Id.* at 9.

60. Gutowski, *supra* note 53, at 321; Katherine A. Austin et al., *Will I Pass the Bar Exam?: Predicting Student Success Using LSAT Scores and Law School Performance*, 45 HOFSTRA L. REV. 753, 758 (2017); Susan M. Case, *The Testing Column: Identifying and Helping At-Risk Students*, 80 BAR EXAM’R at 30, 31 (December 2011).

61. *Council Enacts New Bar Passage Standard for Law Schools*, A.B.A., <https://www.americanbar.org/news/abanews/aba-news-archives/2019/05/legal-ed-bar-passage-rate> (last visited Dec. 18, 2025).

62. Gutowski, *supra* note 53, at 345.

63. *Id.* at 321.

64. Howarth, *supra* note 7, at 13.

readiness to practice law with the minimum competence of a new attorney.⁶⁵ Courses helping students prepare for the bar exam means fewer classes with a focus on the actual practice of law. For example, Alternative Dispute Resolution (ADR) accounts for 98% of case dispositions,⁶⁶ and yet very few law schools require a negotiation or mediation course. The focus on a bar exam that does not test what lawyers need in practice takes away opportunities for real learning that will impact competence in practice.⁶⁷ Until the law school curriculum replaces thinking about the law outside of the context of learning to practice law, we will continue replicating the error of continuing legal education's traditions.⁶⁸

Recognizing this reality, a new bar exam and changing ABA requirements are pushing legal education towards greater practicality.⁶⁹ The new exam will test far fewer subjects, with less depth, and with a focus on skills.⁷⁰ NextGen is a positive development, but it remains to be seen whether it will incentivize and result in the needed changes for curriculum and pedagogy. In the new format, it will be very difficult for the National Conference of Bar Examiners (NCBE) to ensure validity and similarity across administrations, both accomplished historically by scaling it to the multiple-choice test.⁷¹

Numerous jurisdictions are experimenting with alternative pathways.⁷² In addition, changes to Standards 204, 302, and 315 require establishing (1) specific and measurable programmatic (302(a)), and course-level learning outcomes (302(b)); (2) conducting ongoing evaluation of course and programmatic learning outcomes (315); and (3) preparing a "Standard 315 report" in connection with an

65. *Id.* at 4.

66. Ellie K. Vilendrer, *Introducing EDR: The Future of ADR*, A.B.A. (June 28, 2023), https://www.americanbar.org/groups/dispute_resolution/resources/just-resolutions/2023-june/introducing-edr-future-adr/.

67. Gutowski, *supra* note 53, at 349-50.

68. Howarth, *supra* note 7, at 5-6.

69. *Bar Exam Content Scope: July 2026 – February 2027*, NAT'L CONF. OF BAR EXAM'RS 3-5 (Aug. 1, 2025), <https://www.ncbex.org/sites/default/files/2025-07/NCBE%20NextGen%20UBE%20Content%20Scope-Aug%202025.pdf>; Memorandum from David A. Brennen, A.B.A. Council Chair, et al. to Interested Parties & Entities 10-11 (May 14, 2025), https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/council_reports_and_resolutions/may25/25-may-experiential-learning-memo-notice-comment.pdf (on file with author) (describing proposed revisions to Standards 303, 304, and 311 to increase the number of required experiential learning credits).

70. *Overview of Recommendations for the Next Generation of the Bar Examination*, NAT'L CONF. OF BAR EXAM'RS (2021), at 2, <https://nextgenbarexam.ncbex.org/themencode-pdf-viewer/?file=https://nextgenbarexam.ncbex.org/wp-content/uploads/TTF-Next-Gen-Bar-Exam-Recommendations.pdf#zoom=auto&pagemode=thumbs>.

71. Gutowski, *supra* note 53, at 349.

72. See Alexandria Arndt, *The Legal Profession Experiments with Alternatives to the Bar Exam*, A.B.A. (Sep. 19, 2025), https://www.americanbar.org/groups/law_students/resources/student-lawyer/bar-admissions-and-exam/legal-profession-experiments-alternatives-to-bar-exam/. When the question of a diploma privilege came up during the 2023 North Dakota legislative session, I was against it. While I am proud of North Dakota's track record, providing a diploma privilege discourages and inhibits wider changes. Excellence is not possible without accountability. I would be in favor of a diploma privilege for any law school with a comprehensive and program-wide system of student assessment, focused on outcomes, and scaffolding the learning objectives throughout the curriculum to build greater professionalism and skill.

ABA accreditation site visit (204).⁷³ Standard 314 requires law schools to utilize formative and summative assessments throughout the curriculum.⁷⁴ Law schools face a significant challenge navigating these changes in accreditation and licensure. With new accreditation changes, a licensing system that is out of date and inadequate, and a NextGen bar exam in a state of flux, law schools must take the lead to meet significant external challenges.⁷⁵

B. Navigating the Skills/Doctrine Divide Amid the Need for Curricular Change

Law schools must rethink the legal curriculum to help prepare students for the future. The McCrate and Carnegie reports clearly stand for the ideal that students not only need to think like lawyers, but also to become lawyers.⁷⁶ The market needs law school graduates to be able to hit the ground running.⁷⁷ Even with a new bar exam set to focus on application, a marketplace demanding graduates with skills, and the ABA requiring outcomes-based assessment, the greatest challenge to legal education is how to navigate the internal divide between skills and doctrinal faculty. Legal education is very hierarchical, which limits law schools' ability to innovate and accomplish its mission.⁷⁸ The question of who should deliver legal education, and in what form, persists.

On one hand are doctrinal faculty, the traditional faculty with higher salaries, significant research expectations, and longstanding responsibility for delivering the standard 1L curriculum of Contracts, Property, Torts, Constitutional Law, Civil Procedure, and Criminal Law. To become a law professor at most schools, you must be hyper credentialed; nearly half hold Ph.D.s, nearly three-quarters complete teaching fellowships,⁷⁹ and most graduate from a small list of elite law schools.⁸⁰ The doctrinal faculty's use of casebooks and the Socratic method continues to

73. Susannah Pollvogt, *What Do the New ABA Standards on Learning Outcomes and Assessment Mean for Law Schools?*, L. SCH. ADMISSION COUNCIL (Feb. 12, 2025), <https://www.lsac.org/blog/what-do-new-aba-standards-learning-outcomes-and-assessment-mean-law-schools>.

74. *Id.*

75. Megan M. Carpenter, *Risk-Taking and Reform: Innovation for a Better Education*, 22 U.N.H. L. REV. 141, 143 (2024).

76. *Id.* at 145.

77. *Id.*

78. Tully, *supra* note 3, at 848; *see also* Kotkin, *supra* note 1, at 289-91 (describing the history of legal education reform efforts); Kent D. Syverud, *The Caste System and Best Practices in Legal Education*, 1 J. ASS'N LEGAL WRITING DIRS. 12, 13-16 (2002) (identifying seven castes in American law schools: tenure-line faculty, deans, clinical faculty, law library directors, legal writing directors and faculty, adjunct faculty, and professional staff); Lucille A. Jewel, *Oil and Water: How Legal Education's Doctrine and Skills Divide Reproduces Toxic Hierarchies*, 31 COLUM. J. GENDER & L. 111, 112, n.2 (2015) (cataloging thirty years of scholarship on treating "skills" professors as "second-class citizens").

79. Gutowski, *supra* note 53, at 335.

80. *See Where Law Professors Went to Law School*, THE NAT'L JURIST (Aug. 11, 2020), <https://nationaljurist.com/national-jurist-magazine/where-law-professors-went-law-school/>.

dominate legal education.⁸¹ While efficient for larger classes, it often limits opportunities for student engagement, assessment, and constructive feedback.⁸² The goal of these classes and professors are to help students hone their ability to think “like a lawyer.”

On the other hand are the skills faculty. Typically, the first-year legal writing course is the only 1L class that does not rely on casebooks and the Socratic method.⁸³ These courses hone analysis, professional writing and communication, and many also seek to develop cultural competency and professional identity formation.⁸⁴ It is a catch-all course that typically lacks enough time or resources to ideally execute. Skills teachers are not typically on the “traditional” tenure track, signified by high research productivity and the highest level of compensation and job protection.⁸⁵ ABA Standard 405(d) provides that law schools must only provide job security to legal writing teachers that are necessary to attract and retain faculty who are well-qualified to provide instruction and to safeguard academic freedom.⁸⁶ While there has been a movement of converting contract positions into “tenure equivalent” roles, often this results in tiered tracks that comply with ABA standards but further cement inequality.⁸⁷ Longstanding stereotypes regarding skills courses and their academic rigor and even the intellectual capacity of skills teachers persist.⁸⁸ These divisions in teaching personnel and the skills/doctrine divide can subtly dominate law school debates about everything from course content, to hiring, to the physical law school environment. With collaboration and mutual understanding essential pre-requisites for driving curricular and pedagogical change, faculty divides make it more difficult for law schools to innovate and change. Many law schools maintain a doctrinal tenure versus clinical long term contract distinction.⁸⁹ Others have both a doctrinal tenure track and a clinical tenure track.⁹⁰ In most instances, the traditional tenure track retains distinct advantages in salaries and voting rights. There are numerous schools with a unified

81. Tully, *supra* note 3, at 845; Jamie R. Abrams, *Legal Education’s Curricular Tipping Point Toward Inclusive Socratic Teaching*, 49 HOFSTRA L. REV. 897, 900 (2021) (noting that the Socratic method, in particular, still dominates first-year classes); Howarth, *supra* note 7, at 7 (“The remarkable staying power of the Langdellian first year curriculum rests on the usefulness of these doctrinal subjects as platforms for teaching and learning methods of analysis, not the necessity for or even likelihood of using the doctrinal knowledge in practice.”).

82. Tully, *supra* note 3, at 845 (noting that the Socratic method, “particularly when used in large, curve-based, first-year casebook courses with limited assessments or opportunities for constructive feedback—hinders student learning”).

83. *Id.*

84. *Id.* (citing workshops and movements underway to add these segments more meaningfully to the curriculum).

85. Tully, *supra* note 3, at 849.

86. STANDARDS & RULES OF PROC. FOR APPROVAL OF L. SCHS. § 3535 (A.B.A. 2025).

87. Tully, *supra* note 3, at 850-51.

88. *Id.* at 849.

89. Kotkin, *supra* note 1, at 290-91.

90. *Id.* at 299.

tenure track, including the University of North Dakota.⁹¹ It often leads to a more collegial faculty environment.

There are several core assumptions that permeate the curriculum and exacerbate the divide. The first is a bias towards utilizing casebooks, which results in a litigation bias and an inaccurate perception of what lawyers do. While there is significant value in the casebook method as a tool of honing legal analysis, it does not need to occur solely through analyzing appellate decisions. Most lawyers are not trial attorneys, and as Eli Wald notes, “The vast majority of cases are settled and plea-bargained, not decided by courts.”⁹²

The second assumption is a belief that practice skills are secondary and can be learned in practice. As Dean Howarth notes, most law school professors know little about practicing law.⁹³ Qualification to teach law has largely not been related to the ability to practice law. Unlike medical education, where professors continue to treat patients, in law schools, the faculty who practice are often “relegated to non-tenure system positions with more work, less money, less status, weak job security, and limited voting rights.”⁹⁴ There is a bias that knowledge matters over skills and that you cannot deliver knowledge and skills together.⁹⁵ In reality, theory can often best be taught through application. It is not one or the other, but both deliberately and thoughtfully intertwined.

The third assumption is a bias towards additional bar passage instruction instead of experiential learning that builds actual practice skills. ABA Standard 316 created an intense focus on bar passage rates. According to Gutowski, the standard creates “an arms race with the scores that bastardizes and cannibalizes the third year of legal education to transform it into an extended bar exam preparatory course on steroids.”⁹⁶ Instead of spending valuable time and resources learning skills that will help students become more competent attorneys, schools spend resources and time on bar prep instruction that is unrelated to actual competence.

The fourth assumption is the incorrect view that adding learning outcomes takes away time to cover essential bar-tested subject matter.⁹⁷ Faculty often object to adding learning outcomes for this reason. According to Fines, law schools must “face squarely our unexamined commitment to a learning goal of coverage and our attitude of resistance toward cross-curricular collaboration.”⁹⁸ Two fundamental truths need to be accepted: (1) less coverage may lead to greater student learning,

91. *University of North Dakota School of Law Legal Writing Program Receives Top Rating*, UNIV. OF N.D.: N.D.L. (Sep. 13, 2024), <https://blogs.und.edu/ndlaw/2024/09/university-of-north-dakota-school-of-law-legal-writing-program-receives-top-rating/>.

92. Wald, *supra* note 23, at 589.

93. Howarth, *supra* note 7, at 6.

94. *Id.* at 60.

95. *See id.* at 3.

96. Gutowski, *supra* note 53, at 336; Douglas K. Rush & Hisako Matsuo, *Does Law School Curriculum Affect Bar Examination Passage? An Empirical Analysis of Factors Related to Bar Examination Passage During the Years 2001 Through 2006 at a Midwestern Law School*, 57 J. LEGAL EDUC. 224, 227 (2007).

97. Barbara Glesner Fines, *Room to Grow: Exorcising the Curse of Coverage to Make Room for Professional Identity Formation*, 20 U. ST. THOMAS L.J. 743, 744 (2024).

98. *Id.* at 748.

and (2) a significant amount of student learning takes place outside of the classroom.⁹⁹

It is not only course-level outcomes that need examination. Law faculties need to identify program learning outcomes designed to meet their school's mission, map the curriculum to determine which classes contribute to those outcomes, and then identify and implement assessment mechanisms. Currently, most classes do not interrelate (unless, for example, divided into two segments like Civil Procedure I and II), but ideally a law curriculum scaffolds the learning with doctrine and skill introduced in the first year, reinforced in year two, and mastered in year three. Many classes already provide excellent opportunities to reinforce the interconnections in law, such as Conflict of Laws and Remedies courses.

A fifth assumption is that experiential learning programs must be cost-prohibitive to be effective. It is true that skills building programs are often very resource intensive.¹⁰⁰ But there is room for improvement between small in-house legal clinics and finding innovative ways of scaling up experiential learning. As described below, the key is to engage with the community. As Dean Carpenter notes,

The legal services industry needs lawyers that are grounded in the practical realities of the profession, who know what it is to be immersed in environments that help develop a sense of perspective tethered to reality. Learning takes place best when students are not isolated from the world, but when they are engaging with it.¹⁰¹

Academics like consistency and predictability. Both doctrinal and skills professors can struggle with change. Often it is difficult for law professors to change the curriculum and means of instruction because doing so effectively challenges “their very status, the very legitimacy of their success.”¹⁰² For doctrinal faculty, they were very successful law students, and if the curriculum is incorrect, what is the basis for their legitimacy? As Richard Delgado said, “Those in power always make that which they do best the standard of merit.”¹⁰³ For skills faculty, they worked hard to gain a toe hold in the legal academy, and they may thus overlook the skill and effort required to teach an excellent doctrinal course. Further, they may have a hard time seeing opportunities to innovate, fearing, for example, the use of adjuncts as a nod to the mistaken view that “anyone” can deliver skills instruction. Without formal pedagogical instruction, nor the necessary support for changes, including funding for teaching assistants, conference attendance, etc., there may not be any incentive to change how things have always been done.¹⁰⁴ Overcoming resistance to change and the assumptions above require working together and managing what will be significant and ongoing

99. *Id.*

100. Carpenter, *supra* note 75, at 145.

101. *Id.* at 145.

102. Wald, *supra* note 23, at 585.

103. Richard Delgado, *Rodrigo's Tenth Chronicle: Merit and Affirmative Action*, 83 GEO. L.J. 1711, 1721 (1994).

104. Kathryn M. Young, *What the Access to Justice Crisis Means for Legal Education*, 11 U.C. IRVINE L. REV. 811, 845 (2021).

changes. It also requires avoiding making changes simply for change's sake. The next section describes two factors which make changes not only urgent, but imperative—the rise of AI and the law profession's (and legal education's) ongoing health crisis.

C. *The AI Imperative for Legal Education*

While the emergence of the internet and access to information changed how lawyers worked, the rise of artificial intelligence will be a paradigm shift that will change the foundations and structures of legal practice as we know it.¹⁰⁵ Surveys indicate lawyers believe AI will result in greater efficiencies for lawyers, but they do not understand all the opportunities and challenges that will result.¹⁰⁶ AI can already handle contract drafting, analysis, editing, compliance review, legal research, memo drafting, deposition preparation, case summaries, document review, form creation, and summarizing large amounts of data.¹⁰⁷ Over time, AI will dramatically accelerate the automation of legal services.¹⁰⁸ These tasks will amount to an enormous time savings, and already AI often can perform higher

105. Marjorie Ritcher, *How AI Is Transforming the Legal Profession*, THOMSON REUTERS (Aug. 18, 2025), <https://legal.thomsonreuters.com/blog/how-ai-is-transforming-the-legal-profession/> (providing that AI could free up approximately 240 billable hours per lawyer—prompting a shift away from traditional hourly billing toward more strategic value-driven work); Robert J. Couture, *The Impact of Artificial Intelligence on Law Firms' Business Models*, Harvard Law School, CTR. ON THE LEGAL PRO. (Feb. 25, 2025), <https://clp.law.harvard.edu/knowledge-hub/insights/the-impact-of-artificial-intelligence-on-law-law-firms-business-models/> (stating that, in one example, it reduced associate time from sixteen hours down to three to four minutes, with productivity gains greater than one hundred times); Kaden Smith, *AI-Driven Legal Tech Trends for 2025*, ATT'Y J. (Mar. 31, 2025), <https://www.attorneyjournals.com/ai-driven-legal-tech-trends-for-2025> (reporting that 75% of survey respondents expect to change their talent strategies within two years in response to advancements in GenAI); Ryan McKeen & Best Era, *Excellence or Extinction: Why the Legal Industry's AI Revolution Will Destroy the Middle*, JDSUPRA (June 20, 2025), <https://www.jdsupra.com/legalnews/excellence-or-extinction-why-the-legal-4504372/> (“The legal profession stands at the edge of a cliff, and most practitioners are sleepwalking toward it. This isn't about gradual change or market evolution. The legal industry is being rewired in real time by artificial intelligence, and the comfortable middle ground where mediocre lawyers have thrived for decades is about to collapse entirely.”); Scott Stevenson, *Balancing Innovation and Caution: How Lawyers Should Integrate AI into Legal Practice*, REUTERS (Apr. 23, 2025, at 12:26 ET), <https://www.reuters.com/legal/legalindustry/balancing-innovation-caution-how-lawyers-should-integrate-ai-into-legal-practice-2025-04-23/> (explaining that AI is being adopted by law firms five times faster than the cloud).

106. *Wolters Kluwer's Future Ready Lawyer Survey: Industry Embraces Generative AI, but Is Not yet Very Prepared for ESG Demands*, WOLTERS KLUWER (Nov. 8, 2023), <https://www.wolterskluwer.com/en/news/future-ready-lawyer-2023-report>.

107. *LexisNexis Introduces Protégé General AI and Expands Agentic AI Leadership, Bringing Secure, Integrated Access to General-Purpose AI for Legal Professionals*, LEXISNEXIS: NEWS (Aug. 11, 2025), <https://www.lexisnexis.com/community/pressroom/b/news/posts/lexisnexis-introduces-protége-general-ai-and-expands-agentic-ai-leadership-bringing-secure-integrated-access-to-general-purpose-ai-for-legal-professionals>; *CoCounsel Legal*, THOMSON REUTERS, <https://legal.thomsonreuters.com/en/products/cocounsel-legal> (last visited Dec. 18, 2025).

108. John Villasenor, *How AI Will Revolutionize the Practice of Law*, BROOKINGS INST. (Mar. 20, 2023), <https://www.brookings.edu/blog/techtank/2023/03/20/how-ai-will-revolutionize-the-practice-of-law>.

quality work than a junior associate or paralegal.¹⁰⁹ Demand will thus fall for lawyers who perform routinized practices that technology can replace.¹¹⁰ Legal education, along with our students and junior lawyers, all need to carefully determine what students and new graduates can do that AI cannot.

AI could fill a large unmet need for affordable legal services and access to justice.¹¹¹ Most cases in state civil courts already involve at least one pro se party; and as technological support is better than none at all, court-implemented online dispute resolution systems have been growing rapidly.¹¹² In family law, technology is working to help parents take a more collaborative approach to their disputes.¹¹³ Paired with AI, digital dispute resolution holds the promise of providing more support for laypeople than the traditional legal system.¹¹⁴ Unfortunately, the impact will be further stratification of those who can afford a lawyer, and those who must use automated systems.¹¹⁵ As AI changes the legal landscape, most people's experience with law will be limited to online interactions with in-person experiences reserved for the privileged few.¹¹⁶ What could result is further distrust of legal institutions.¹¹⁷

While lawyers face external pressures to adapt to AI, tenured law professors do not have the same concerns about employment, client demands, or CLE requirements that can necessitate adapting to technology.¹¹⁸ As a result, law faculty as a group have not taken steps to adapt to how AI will impact their teaching and scholarship. Instead, law professors are determining this on an individual basis.¹¹⁹ Law schools must help students understand and learn the new technologies that

109. Jeff Neal, *The Legal Profession in 2024: AI*, HARVARD L. TODAY (Feb. 14, 2024), <https://hls.harvard.edu/today/harvard-law-expert-explains-how-ai-may-transform-the-legal-profession-in-2024/>.

110. Moran, *supra* note 15, at 333; Andrew Blair-Stanek et al., *AI Gets Its First Law School A+s* 1 (June 10, 2025) (forthcoming Univ. of Md. Legal Studies Rsch. Paper), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=5274547 (demonstrating the pace of change in three semesters from AI earning grades as high as B+ to now receiving A+ grades).

111. *ABA Task Force on Law and Artificial Intelligence: Addressing the Legal Challenges of AI*, A.B.A. 22 (Aug. 2024) [hereinafter AI Task Force Report], <https://www.americanbar.org/content/dam/aba/administrative/center-for-innovation/ai-task-force/2024ai-task-force-report.pdf> (explaining how reliable AI tools can provide self-represented people with basic legal information).

112. Moran, *supra* note 15, at 336.

113. Rebecca Aviel, *Family Law and the New Access to Justice*, 86 FORDHAM L. REV. 2279, 2280-90 (2018).

114. Moran, *supra* note 15, at 341.

115. *Id.* at 342.

116. *Id.* at 333.

117. *Id.*

118. See Perkins, *supra* note 46, at 238-39.

119. *AI Task Force Report*, *supra* note 111, at 1, 25 (suggesting that law schools are increasingly incorporating AI into their curricula, although the data only consists of responses from twenty-nine law schools choosing to participate in the survey); John Bliss, *Teaching Law in the Age of Generative AI*, 64 JURIMETRICS J. 111, 130, 147-148 (2024) (“The faculty overwhelmingly emphasized that they were uninformed about emerging AI and unsure about how to proceed with an AI-integrated curriculum.”).

they will be expected to utilize in practice.¹²⁰ AI's impact on legal education is a perfect storm.¹²¹ There are significant and realistic concerns that the AI revolution will displace lawyers.¹²² Already, there are rumors that large firms are anticipating hiring fewer associates than in the past due to AI productivity gains. With even less demand for solo or small firm practice, legal education will become even more focused on the elite schools who supply lawyers to firms servicing those who can pay higher legal fees.¹²³ Less prestigious law schools that train graduates for solo or small-firm practice could see their enrollments fall.¹²⁴ AI is one of the most significant and disruptive forces impacting law and legal education.¹²⁵ In studies evaluating the relative impact AI will have on different sectors, law tops or nearly tops the list.¹²⁶

As a years-long effort continues to revise and improve the bar exam and update accreditation standards to improve attorney competence, a runaway train is heading for the profession. Legal education must do more than drafting syllabus language prohibiting students from using AI to complete assignments. To implement AI throughout the curriculum all law professors need to take part in the process.¹²⁷ AI literacy must go beyond individual faculty expertise and move into programmatic curricular integration. It will be a significant challenge for legal education to deliver excellence amid technological change. For faculty who are uninterested or unwilling to invest in outcomes-based assessment or curricular innovations, the AI revolution will render many of their teaching and assessment methods obsolete. Law schools must meet student expectations and the needs of the practicing bar while developing innovative assessment tools amid the pace of technological change. Those changes are even more difficult to accomplish due to the unhealthy nature of the legal profession.

D. *Generational Change and the Wellness Crisis in Law*

The legal profession is not well.¹²⁸ It is well established that being a part of the legal profession is not good for a person's health.¹²⁹ The amount of work and pressure often lead to negative outcomes—lawyers experience higher rates of

120. Julie L. Kimbrough, *Developing Lawyering Skills in the Age of Artificial Intelligence: A Framework for Legal Education*, 29 J. TECH L. & POL'Y 31, 36 (2025).

121. Moran, *supra* note 15, at 331.

122. Bliss, *supra* note 119, at 112.

123. Moran, *supra* note 15, at 333.

124. *Id.*

125. *See* Perkins, *supra* note 46, at 235.

126. Bliss, *supra* note 119, at 117.

127. *See* Perkins, *supra* note 46, at 241.

128. Jonathan Todres, *Work-Life Balance and the Need to Give Law Students a Break*, 83 U. PITT. L. REV. ONLINE 1, 2 (2022); William W. Eaton et al., *Occupations and the Prevalence of Major Depressive Disorder*, 32 J. OCCUPATIONAL MED. 1079, 1083 (1990); Martin E.P. Seligman et al., *Why Lawyers Are Unhappy*, 10 DEAKIN L. REV. 49, 53 (2005).

129. Todres, *supra* note 128, at 2.

alcoholism and depression.¹³⁰ Lawyer unhappiness can be linked to high productivity demands, the billable hour, staggering law school debt, and little personal time.¹³¹ These changes are leading to turnover and staffing challenges. In large firms, nearly half of lawyers leave within three years, and 75% leave within five years.¹³² Firm-based associate training and long careers at one firm have shifted to more transient career paths.¹³³ Only 23% of Gen-Z attorneys and law students say they hope to make partner at a law firm, and 53% want to work in-house, in government, or for a non-profit as a long-term goal.¹³⁴ Many new lawyers prefer flexible hours to the traditional partnership track.¹³⁵ What results is a lack of continuity, diminished loyalty, and increased cynicism in law as a career.¹³⁶ Similarly, older lawyers often question the toughness of the younger lawyers.¹³⁷ Compared to prior generations, Generation Z is more progressive, entrepreneurial, less deferential, and more comfortable communicating via technology. They are also more inclined to prioritize mental health and well-being over work.¹³⁸ Changing generational work preferences present a challenge to legal education, both in terms of changing learning styles and in delivering attorneys with the skills and attributes the workplace desires.

Lawyer unhappiness begins in law school, where students enter with similar levels of well-being as the general population; but then within six months, unhappiness levels rise from the normal range to two standard deviations above what is expected.¹³⁹ While law students do not begin their legal education feeling

130. Carol M. Langford, *Depression, Substance Abuse, and Intellectual Property Lawyers*, 53 U. KAN. L. REV. 875, 876-877 (2005).

131. Katya S. Cronin, *Value-Centered Lawyering: Reshaping the Law School Curriculum to Promote Well-Being, Quality Client Representation, and a Thriving Legal Field*, 101 U. DET. MERCY L. REV. 257, 264 (2024). See generally Patrick J. Schiltz, *On Being a Happy, Healthy, and Ethical Member of an Unhappy, Unhealthy, and Unethical Profession*, 52 VAND. L. REV. 871 (1999) (discussing the various causes of lawyer unhappiness).

132. Cronin, *supra* note 131, at 263.

133. James W. Jones et al., *2025 Report on the State of the US Legal Market: Embracing Change in the Era of Innovation*, THOMSON REUTERS INST., at 3, <https://www.thomsonreuters.com/en-us/posts/wp-content/uploads/sites/20/2025/01/State-of-the-US-Legal-Market-Report-2025.pdf> (last visited Dec. 18, 2025).

134. *Gen-Z Attorneys Increasingly Aspire to Career Paths Beyond BigLaw, New Survey from MLA Finds*, MAJOR, LINDSEY & AFRICA (May 10, 2023), <https://www.mlaglobal.com/en/about-us/press-releases/gen-z-attorneys-increasingly-aspire-to-career-paths-beyond-biglaw-new-survey-from-mla-finds>.

135. *Id.* (60% of respondents would trade compensation for a flexible work schedule, 41% for a reduction in billable hours, and 29% said they expect to be able to work remotely as desired).

136. Cronin, *supra* note 131, at 263.

137. Townsend, *supra* note 30, at 998.

138. See *What Are the Core Characteristics of Generation Z?*, THE ANNIE E. CASEY FOUND. (Jan. 16, 2024), <https://www.aecf.org/blog/what-are-the-core-characteristics-of-generation-z/>; Melissa De Witte, *What to Know About Gen Z*, STANFORD NEWS (Jan. 3, 2022), <https://news.stanford.edu/2022/01/03/know-gen-z/> (providing that Gen Z are not 'coddled.' They are highly collaborative, self-reliant and pragmatic, according to new Stanford-affiliated research); ROBERTA KATZ ET AL., GEN Z, EXPLAINED: THE ART OF LIVING IN A DIGITAL AGE 186 (2021).

139. Cronin, *supra* note 131, at 265; G. Andrew H. Benjamin et al., *The Role of Legal Education in Producing Psychological Distress Among Law Students and Lawyers*, 11 AM. B. FOUND. RES. J. 225, 240 (1986); Kennon M. Sheldon & Lawrence S. Krieger, *Does Legal Education Have*

anxious, depressed, and alienated, their well-being falls in the beginning of the first year.¹⁴⁰ Depression impacts one in six law students, anxiety one in three students, risk of alcohol dependence one in four students, and intentional physical self-harm nearly one in ten.¹⁴¹ In the 2021 Law School Survey of Student Engagement, half of law students surveyed reported averaging five or fewer hours of sleep per night.¹⁴² Law school can be detrimental for student well-being, which for many declines over the time students spend in law school.¹⁴³

In response to these dire statistics, multiple support services for law students have expanded over time, including mindfulness programming and counseling.¹⁴⁴ The ABA Law Student Division conducted a survey and found that 67% of the 103 law schools that responded reported having a course or program that teaches some form of mindfulness.¹⁴⁵ Despite this, law students still feel a compulsion to work hard.¹⁴⁶ Students feel a need to achieve in law school in order to obtain high paying jobs and pay their high student loan debts. The curved grading structure and the frontloading of doctrinal courses both normalize law student anxiety.¹⁴⁷

There are advantages to a curved system of grading. First, as grading determines class rank, academic honors, and potential job placements, curves can reduce unfairness based on differences in faculty grading philosophies.¹⁴⁸ The goal is to award grades based on student merit, but faculty members may be more strict or more generous in the grades they award to students. Professors also may have a different definition of what constitutes earning an A, B, C, and so forth. This is especially important when the class is divided into multiple sections where the same subject is taught by different instructors. Curves also help reduce students' preferring certain professor's classes over others based on perceived grading style.¹⁴⁹ Further, as class rank can be very important in potential employers' evaluations, law schools whose grading standards vary from professor to professor may

Undermining Effects on Law Students? Evaluating Changes in Motivation, Values, and Well-Being, 22 BEHAVIORAL SCI. & L. 261, 281 (2004).

140. Young, *supra* note 104, at 820.

141. Jerome M. Organ et al., *Suffering in Silence: The Survey of Law Student Well-Being and the Reluctance of Law Students to Seek Help for Substance Use and Mental Health Concerns*, 66 J. LEGAL EDUC. 116, 131, 136, 137, 139, 145 (2016).

142. Todres, *supra* note 128, at 6.

143. Lawrence S. Krieger & Kennon M. Sheldon, *What Makes Lawyers Happy: A Data-Driven Prescription to Redefine Professional Success*, 83 GEO. WASH. L. REV. 554, 560 (2014).

144. Scott L. Rogers, *Making a Case for Mindfulness and Law Student Wellness*, A.B.A. (Apr. 13, 2016), https://www.americanbar.org/groups/law_students/resources/student-lawyer/personal-financial/making-a-case-for-mindfulness-and-law-student-wellness/; Jordana Alter Confino, *Where Are We on the Path to Law Student Well-Being?*, 68 J. LEGAL EDUC. 650, 654 (2018).

145. Susan L. Brooks et al., *Moving Toward a Competency-Based Model for Foster Students' Relational Skills*, 28 CLINICAL L. REV. 369, 386 (2022); Confino, *supra* note 144, at 671.

146. Jessie Agatstein et al., *Falling Through the Cracks: A Report on Mental Health at Yale Law School*, YALE MENTAL HEALTH ALL. 34 (Dec. 2014), https://law.yale.edu/sites/default/files/falling_through_the_cracks_120614.pdf.

147. Young, *supra* note 104, at 842.

148. Joshua M. Silberstein, *In Defense of Mandatory Curves*, 34 U. ARK. LITTLE ROCK L. REV. 253, 255 (2012).

149. *Id.* at 256.

mislead the public.¹⁵⁰ Grades higher than what was earned may give students a false sense of confidence, where grades lower than what was earned may give students a false sense that they should drop out or find a different profession.¹⁵¹ Grading curves prevent undue grade inflation, prevent dissension among faculty, and ensure fairness for students.¹⁵²

While there are important reasons for a grading curve, the negatives outweigh the positives. First, there is the risk that students will receive grades they do not deserve. If faculty are not meaningfully differentiating performance, or if the assessment lacks difficulty, it is difficult to operationalize a curve where individuals will not receive grades they do not deserve. In an easy assessment, for example, where there is a narrow distribution between the high and low scores, there may be very small differences in performance for those who earn an A versus a C. Yes, the A student outperformed the B and C students, but the magnitude of the difference may not be significant or reasonable. This situation can even occur from an assessment well designed to differentiate performance, if there is a particularly strong group of students in the class. The smaller the class, or the sample derived from the population, the greater the risk of a high-performing sample “over-performing” the test and the resulting distribution of grades not being great enough to meaningfully assign earned grades. The sample size problem can easily be overcome by either assigning a higher GPA curve average to smaller courses, or by enabling an appeal to an associate dean to review the grades and provide an exception that falls outside of the curve’s parameters.

Second, the goals of the curve conflict with the goals of instruction. As a mediation professor, I want my students to achieve a high level of skill and knowledge. If I set my standards closely aligned to what I am teaching, provide ample opportunities for assessment, feedback, and growth, it is with the goal of my students achieving competence and excellence. To comply with the curve, however, I am incentivized to either (1) create an assessment that is far more challenging and advanced than my teaching methods and expectations, or (2) limit my instruction in ways that require the students “to figure out the answers.” In theory, it is possible to have high enough expectations, aligned with effective teaching, along with opportunities for assessment, feedback, and growth, in ways that satisfy both the goals of instruction and enable grading that accurately reflects student performance. I believe it is possible, but I question its likelihood given the prevailing pedagogic standards and traditions that continue in legal education. Instead of assessing what students have been taught we tend to evaluate what students have learned.¹⁵³

Third, the curve discourages students because they frequently do not see the relationship between their efforts and the results, or they misinterpret their results based on their perceived efforts. Frequently the highest performing students in law school classes are the most stressed. I have had many conversations with high performers experiencing enormous anxiety—they are not exactly sure how they

150. *Id.* at 268.

151. *Id.* at 270.

152. *Id.* at 271.

153. Tully, *supra* note 3, at 867.

performed well, and they feel anxious at how they will maintain their success. The students who did not perform well often feel discouraged. They express to me that they do not know what they did wrong or how to improve. Sometimes, this is even after meeting with the professor or reviewing the exam.¹⁵⁴ It is that lack of efficacy, control, and ownership of learning that can often lead to coping mechanisms that result in negative health outcomes for students.

Fourth, the curve is ineffective at developing a student's growth, instead of a fixed, mindset.¹⁵⁵ A growth mindset means believing in one's own capacity for improvement, whereas a fixed-mindset learner concludes they cannot improve beyond their innate capabilities and accepts that false reality. Incorporating a growth mindset requires providing opportunities for guided practice to try out skills, receive feedback, adjust the approach and try again.¹⁵⁶ Law school, where typically there is only one maybe two exams per class, is not the ideal format for cultivating a growth mindset. Large case book courses with singular final exam assessments are effective at determining rank but make it more challenging to build skills and determine areas of weaknesses (or provide opportunities for subsequent improvement). This is because we are not scaling up the learning and building on knowledge and skill as students progress through the curriculum. Each law school class largely stands alone. As best stated by Tully, "this single-exam, high-stakes assessment model has not kept pace with technology, learning theory, or the employment landscape."¹⁵⁷ Between over-reliance on large case book courses and curves, law schools must adapt their practices to avoid perpetuating the ongoing wellness challenges plaguing the legal profession.

Fifth, law school curves prioritize ranking students against each other over determining competence and leads to a greater need to value the incoming class credentials versus an objective standard of excellence. Currently, the curve only determines student achievement relative to the rest of the class, leading to greater dependence on the overall quality of the students admitted. Being the top student at the law school with the highest entering credentials should then mean more in terms of achievement and quality than being the top student at a law school with lower student entering credentials. Many top law schools utilize pass/fail grading and avoid the curve question entirely.¹⁵⁸ Notably, the use of curved grading is a relatively recent occurrence. In 1976, only 9% of ABA-accredited law schools utilized a mandatory grade distribution, but by 1995, the number had jumped to

154. Notably, at many law schools the students are not allowed to keep their graded exams but can only review them for a set amount of time without technology or anything that might allow them to copy the exam. I question the goals behind those practices, as student learning and improvement should be paramount over the need to draft additional exam questions.

155. Young, *supra* note 104, at 842.

156. *Id.*

157. Tully, *supra* note 3, at 859.

158. See *Explanation of Grading System*, YALE L. SCH., https://law.yale.edu/sites/default/files/explanation_of_yls_grading_system.pdf (last visited Dec. 18, 2025); *Handbook of Academic Policies 2025-2026*, HARV. L. SCH. 28, <https://hls.harvard.edu/wp-content/uploads/academics-file/HAP.pdf> (last visited Dec. 18, 2025); see also *Degree Requirements*, N.E. UNIV.: N.E. UNIV. SCH. OF L., <https://law.northeastern.edu/academics/programs/jd/degree-requirements/> (last visited Dec. 18, 2025) (describing narrative evaluations as the basis for grading, rather than alphabetic or numeric grades).

84%.¹⁵⁹ By 2022, the number of schools with a mandatory curve had fallen to 75%.¹⁶⁰

We can develop a system of assessment, feedback, and developing competence instead of a curve that depends on entering credentials and admissions exclusivity. It is possible to hold students to a high standard without using a curve by focusing on outcomes and standards of competence. It requires law schools to rethink and redesign how law school is taught and assessed. With clear learning objectives and teaching methodologies, well-designed assessment mechanisms, and multiple opportunities for feedback and growth, students will feel more agency and a greater understanding of how to improve. And with well-designed grading rubrics, students will still fall into a distribution based on their performance. The curve itself is not the core problem; it merely manages its symptoms. Faculty need to collaborate to determine best practices around pedagogy and focus on assessing student learning instead of evaluating their teaching through curved assessment. If at this point you are reading this thinking, “that’s an unfair assessment of law school teaching quality,” you may be doing the necessary work to support student learning. If you are a proponent of a curve, it may be because your colleagues are not holding students to your high standards. In the absence of fixing the core problem, the curve does provide guardrails that make grading fairer and more consistent.

To fix the problem, a lack of student learning, agency, and wellness, eliminating the curve is an important step to decrease student stress and eliminate the competitive atmosphere that is both unhealthy and interferes with student learning.¹⁶¹ Standards can be high without harsh grading curves, and the lack of a curve results in happier students.¹⁶² In a 2023 study of University of Pittsburgh law students, 74% supported eliminating the curve due to the negative impacts on their motivation and mental health.¹⁶³ Curves create unnecessary competition and risk students developing unhealthy practices, which then leads to future health challenges as lawyers.¹⁶⁴ High levels of anxiety and stress interfere with learning.¹⁶⁵ In some instances, law professors who excelled under the current system may not

159. Robert C. Downs & Nancy Levit, *If It Can't Be Lake Woebegone... A Nationwide Survey of Law School Grading and Grade Normalization Practices*, 65 UMKC L. REV. 819, 836 (1997).

160. Tully, *supra* note 3, at 864.

161. Rose, *supra* note 2, at 124; Peggy Cooper Davis, *Slay the Three-Headed Demon! Radical Proposals to Reform Legal Pedagogy*, 43 HARV. C.R.C.L. L. REV. 619, 622 (2008) (“The fixed curve interferes with learning. It motivates students to work for grades rather than for comprehension or skill development.”).

162. Young, *supra* note 104, at 842-43.

163. Andrele Brutus St. Val & Ann Sinsheimer, *Professional Identity Formation Through Exploring Academic, Professional, and Personal Well-Being*, 20 U. ST. THOMAS L.J. 766, 782 (2024).

164. Tully, *supra* note 3, at 843 (citing Deborah L. Rhode, *Managing Stress, Grief and Mental Health Challenges in the Legal Profession; Not Your Usual Law Review Article*, 89 FORDHAM L. REV. 2565, 2567-70 (2021) (summarizing data on mental health issues in the legal profession and underlying causes)); Jonathan Koltai et al., *The Status-Health Paradox: Organizational Context, Stress Exposure, and Well-Being in the Legal Profession*, 59 J. HEALTH & SOC. BEHAV. 20 (2018) (discussing depression, overwork, and work-life conflict in the legal profession).

165. Rose, *supra* note 2, at 132, 141-42 (internal citation omitted) (discussing the expansion of legal writing courses in the 1980s).

understand student wellness concerns “because law school anxiety did not hinder their own performance.”¹⁶⁶

At the same time, in our adversarial system the practice of law is stressful, and we cannot remove all aspects of stress from the profession. Law schools must prepare students for the realities of current practice, not an idealized version of it. There is a difference, however, between the stress of law school and the stress of practice. So much of law school remains unrelated to how lawyers practice. Negotiation, mediation, and trial advocacy classes can help students prepare for the stress of challenging interactions. The stress of achievement in law school can be lessened through better pedagogical methods. Instead of building capacity for learning difficult things, traditional legal education’s teaching methods incentivize students to avoid those learning methods that are difficult and taxing, but are very effective at developing student learning.¹⁶⁷ Known as “desirable difficulties,” methods like spaced repetition and interleaved learning are proven to improve student learning.¹⁶⁸ Optimal learning styles that equate to “desirable difficulties” go beyond listening or reading and involve early testing—especially formative assessments that provide feedback to modify the teaching and learning activities.¹⁶⁹

Why do students avoid desirable difficulties? As Louis Schulze Jr. highlights, the atmosphere of judgment and the zero-sum nature of strict grading curves and summative assessments leads students to avoid “desirable difficulties.”¹⁷⁰ Heavy reliance on cold calls and case analysis often creates an atmosphere of judgment rather than inquiry.¹⁷¹ Students read cases throughout the semester, outline the class at the end of the semester, and then reread the outline repeatedly to prepare for the exam.¹⁷² Many students believe, “I’m not ready to test myself yet,” and only begin to synthesize topics in the days before the exam.¹⁷³ Further, where professors do post old exams, most students do not use them for practice, but instead reread and memorize their outlines.¹⁷⁴ This approach of cramming, rereading, and avoiding self-testing creates an illusion of confidence and avoids the desirably difficult methods.¹⁷⁵

While it would be easy to conclude that students need to understand desirable difficulties to better learn the material, that is only one part of the equation and not the main issue. By utilizing varying learning pedagogies, like team-based

166. Young, *supra* note 104, at 844.

167. Louis N. Schulze, Jr, *Legal Education’s Difficulty with “Desirable Difficulties” and Its Impact on Student Success and Bar Passage Rates*, 9 J. APPLIED RSCH. MEMORY & COGNITION 428, 429 (2020).

168. *Id.* at 429-30 (showing spaced learning involves learning material over time and revisiting it to avoid forgetting; interleaved learning is where subtopics of a course are woven into subsequent topics).

169. *Id.* at 429.

170. *Id.*

171. *Id.*

172. *Id.*

173. *Id.* at 430.

174. *Id.* at 429.

175. *Id.* at 430.

learning,¹⁷⁶ flipped-classrooms,¹⁷⁷ problem-based learning,¹⁷⁸ and integrated curricula,¹⁷⁹ legal education can transform itself into a more engaging, practical, outcomes-based, and ultimately superior form of legal education. Further, developing characteristics like honesty, civility, resilience, and open-mindedness can promote positive mental health and well-being, and aiding in academic performance can also help in shaping professional identity.¹⁸⁰ Improving student and young lawyer mentoring connections can help bridge the gap between law school and legal practice. The National Legal Mentoring Consortium, for example, provides critical support for students and early-career lawyers by connecting them with mentors who help them integrate into the profession and remain successful practitioners of good character.¹⁸¹

Needing a new definition of what constitutes excellence in legal education, our academy is still far too influenced by curves and rankings, and even the U.S. News rankings. The U.S. News rankings for years dominated the thought process for applicants, law firms, professors, and deans.¹⁸² Despite falling in importance, the rankings still exert far too much influence over legal education.¹⁸³ Why wouldn't they? Most lawyers and law professors attended a law school where the grades were curved and class rank was essential to success. Why would we not be attracted to rankings like moths to a flame? Whether we choose to admit it or not, law schools are conditioned to respond to changes in the rankings. While a recent study demonstrated how the rankings are decreasingly salient to prospective law students,¹⁸⁴ 66% of 2024 1Ls surveyed indicated they consulted the law school rankings for advice when deciding where to go to law school.¹⁸⁵

While some metrics—graduation rates, employment rates, bar passage rates—are seemingly meaningful,¹⁸⁶ the focus on reputation (25%), entering

176. See, e.g., Lindsey P. Gustafson, *Reflections on Five Years of Team-based Learning in First-year Property*, 66 S.D. L. REV. 29 (2021).

177. See, e.g., Julie Buhl-Wiggers et al., *Investigating Effects of Teachers in Flipped Classroom: A Randomized Controlled Trial Study of Classroom Level Heterogeneity*, INT'L J. EDUC. TECH. IN HIGHER EDUC. (2023).

178. See, e.g., Marit Wijnen et al., *Is Problem-Based Learning Associated with Students' Motivation? A Quantitative and Qualitative Study*, 21 LEARNING ENV'T RSCH. 173 (2018).

179. See, e.g., Karen Tokarz et al., *Legal Education at a Crossroads: Innovation, Integration, and Pluralism Required!*, 43 WASH. UNIV. J.L. & POL'Y 11 (2013).

180. Townsend, *supra* note 30, at 998.

181. *Mission*, NAT'L LEGAL MENTORING CONSORTIUM, <https://legalmentoring.org/about/mission/> (last visited Dec. 18, 2025).

182. Geoffrey Christopher Rapp, *Fraud on the Rankings*, 74 BAYLOR L. REV. 583, 602 (2022); Brian L. Frye & Christopher J. Ryan, Jr., *The Deline & Fall of the U.S. News Rankings*, 100 IND. L.J. SUPP. 64, 72 (2025).

183. Otherwise, why would deans receive what amounts to crates of materials each year (and hundreds of emails) from my fellow deans—all seeking to influence my opinion and thus my vote.

184. Frye & Ryan, *supra* note 182, at 79.

185. Anna Russian, *LSAC's Knowledge Report: The 2024 1L Profile*, L. SCH. ADMISSION COUNCIL 49 (2025), <https://www.lsac.org/sites/default/files/research/20241LProfileReportFinal.pdf>.

186. See Paul L. Caron, *Tobin: The Silly U.S. News Law School Rankings*, TAXPROF BLOG (Apr. 9, 2024), https://taxprof.typepad.com/taxprof_blog/2024/04/silly-us-news-law-school-rankings.html [https://web.archive.org/web/20250910172313/https://taxprof.typepad.com/taxprof_blog/2024/04/silly-us-news-law-school-rankings.html] (reposting Donald Tobin's article, *The Silly U.S. News Law*

credentials (9%), and selectivity (1%), offers little value other than determining prestige.¹⁸⁷ The peer ranking is compiled from a survey of law school deans and certain faculty regarding their perceptions of the law schools. Previously this ranking was 25% of the overall ranking, but it is now 12.5% for ongoing rankings.¹⁸⁸ Similarly, 12.5% of the ranking is achieved through a survey of a survey of judges and lawyers.¹⁸⁹ While I am a former law dean, absent those I attended and worked, I cannot with any measure of confidence assess the quality of other law schools. Unless there is experience at that law school serving on an ABA accreditation review team, I doubt other deans can either. How many annual scholarships could be funded by redirecting all the materials, in both staff time and shipping costs, aimed at U.S. News survey respondents?¹⁹⁰ A more useful metric of excellence would be to determine who adds the most value to their graduates, analyzing entering credentials against outcomes.¹⁹¹ Further, using a separate national ranking for top schools and adding regional rankings would help, since lawyers and judges are unlikely to know much about schools beyond their own regions where they recruit.

Excellence and accountability are not easy to quantify, but are necessary to meaningfully meet the challenges facing both the legal profession and legal education. To be clear, I am not advocating for less theory, for fewer years of law school, or for what some describe as a “trade school model” of legal education that is devoid of theory.¹⁹² Even under the Langdellian framework, focusing on outcomes and pedagogies that support them will enhance both student learning and well-being. Changing the focus of the curriculum towards greater skills and integration, along with the specific outcomes required, is a broader conversation. With fewer law firms assuming the traditional laboring oar of training associates, and AI poised to decimate associate hiring, how will the lawyers of the future gain the necessary practice skills? With outcomes-based assessment and lawyer competence, an ever-increasingly important aspect of legal education, law schools must adapt and update their curricula for this new practice-ready reality. In this way, excellence contributes to access and affordability.

School Rankings, describing how high employment percentages and bar passage rates may be misleading figures for individual decision making and determining quality).

187. Eric Brooks et al., *Methodology: 2025 Best Law Schools Rankings*, U.S. NEWS & WORLD REP. (Apr. 7, 2025, at 21:00 ET), <https://www.usnews.com/education/best-graduate-schools/articles/law-schools-methodology>; Frye & Ryan, *supra* note 182, at 70 (“U.S. News thought prestige was important, so it largely ranked law schools according to prestige, basing much of its methodology on a peer reputational survey.”).

188. Brooks et al., *supra* note 187.

189. *Id.*

190. MICHAEL SAUDER & WENDY ESPELAND, L. SCH. ADMISSION COUNCIL, FEAR OF FALLING: THE EFFECTS OF U.S. NEWS & WORLD REPORT RANKINGS ON U.S. LAW SCHOOLS 10 (2017).

191. Christopher J. Ryan, Jr., *A Value-Added Ranking of Law Schools*, 29 U. FLA. J.L. & PUB. POL’Y 285, 307 (2019).

192. I am not clear on what is problematic with law schools as trade schools, given that trade schools do teach theory. See, e.g., Janet Hobley, *Vocational Pedagogies: The Science of Teaching or the Teaching of Science?*, 3 J. EDUC. & TRAINING STUD. 16, 16-18 (2014), <https://files.eric.ed.gov/fulltext/EJ1054933.pdf>.

New lawyers who can draft contracts, read title abstracts, and any number of other skills will be more able to hang a shingle and offer relatively affordable services. They will immediately become a source of positive revenue for a potential employer. Law schools should thus measure and determine what skills and knowledge they are adding to their students from matriculation through graduation. Students at Harvard may arrive with higher entering credentials, but which schools are adding the most value? Access institutions also must show accountability by being transparent with students about the risks they face based on historic performance data for past students with similar entering credentials. Further, access schools must make decisions about where the limits of providing opportunity and access lie versus student outcomes. Overcoming the skills and doctrine divide will enable faculties to better innovate and collaborate as they update the curriculum and answer these difficult questions.

III. AFFORDABILITY

The rising cost of legal education undermines opportunity and public service. Affordability must be a key goal for legal education. The cost of legal education has risen dramatically, for example, from \$3,100 to attend Berkeley Law in 1977 to \$70,000 in 2022.¹⁹³ Law school costs on the average over \$60,000 per year, and upwards of \$90,000 or more per year at a top-ten law school.¹⁹⁴ Rising costs undermine not only individual opportunity, but also the broader pillars of access and community impact, since graduates burdened with debt are less likely to serve in rural, public interest, or community-focused roles. To provide access and enable students to pursue less lucrative legal careers that will serve the community, affordability is a key goal for legal education.

Part of the explanation for the high cost of law school is a rise in costs, but also a decrease in public funding. In 2022, only 7% of Berkeley revenue comes from public dollars, making the “public” aspect of the school’s funding something in name only.¹⁹⁵ Yet another factor is the dramatic rise in the services provided to law schools—many schools have full time mental health providers, and nearly all have robust admissions, career services, and other staff members.¹⁹⁶ The high cost of legal education means that more students are dependent on scholarships and financial aid, especially first-generation students and students from underrepresented communities.¹⁹⁷ First-gen students have more debt, with 35% expecting to have more than \$120,000 of debt by graduation.¹⁹⁸ This makes law schools much

193. Erwin Chemerinsky, *Symposium Remarks: The Challenges Facing Legal Education*, 75 ALA. L. REV. 555, 559-60 (2024).

194. Zenebou Sylla, *Some New England Universities and Colleges Break \$90,000 Barrier for Total Cost in Upcoming School Year*, CNN: BUS. (Mar. 27, 2024, at 21:01 ET), <https://www.cnn.com/2024/03/27/business/college-tuition-new-england-ninety-thousand/index.html>.

195. Chemerinsky, *supra* note 193, at 560.

196. *Id.*

197. *Id.*

198. Chad Christensen et al., *LSSSE 2023 Annual Report: Focus on First-Generation Students*, IND. UNIV. CTR. OF POSTSECONDARY RSCH. 10 (2023), <https://lssse.iub.edu/files/focus-on-first-generation-students-final.pdf>.

more dependent on the availability of student loans in order to attract and retain students, and it means more student graduating with high debt loads—often in the hundreds of thousands of dollars.¹⁹⁹ Finally, the high cost means that students take a more consumerist orientation to their studies—they demand refunds and additional resources in ways that they did not do in the past.²⁰⁰ Affordability thus shapes not only who can attend law school, but also how students experience it—shifting them from partners in professional formation to consumers demanding value for their financial investment. While most medical school graduates and those finishing doctoral programs say their education was worth the cost, less than 25% of law school graduates feel that way.²⁰¹ Reasons for the difference include a lack of experiential learning opportunities during law school, fewer relative job opportunities, and lower levels of mentorship.²⁰²

One of the hidden costs of law school is the need to take a bar prep course after graduation. The gap between what students learn in law school and what they need to practice is currently closed by a billion-dollar bar prep industry funded by future lawyers.²⁰³ In effect, the bar prep industry prepares today's graduates for bar exams, but not for practice.²⁰⁴ With the wide range of challenges confronting legal education, the high cost of legal education is particularly challenging due to the financial pressure facing law schools' home institutions. Universities are facing financial challenges due to falling international enrollment²⁰⁵ and potential caps on indirect research costs.²⁰⁶ In this sense, law schools' financial sustainability is tied not only to their own tuition models, but also to the fiscal health of their parent universities, compounding the pressure on affordability.

Affordability relates to both access and excellence. If legal education is not affordable, access is limited. If legal education is successful in graduating practice-ready graduates, however defined, it raises the value proposition of a legal education. The value provided by a legal education has largely outpaced the cost of legal education, but it is becoming increasingly difficult to justify the costs given the challenges of gaining career skills and establishing a legal career. The rising cost of legal education and university financial challenges, relative to legal

199. Chemerinsky, *supra* note 193, at 561.

200. *Id.*

201. Zac Auter, *Few MBA, Law Grads Say Their Degree Prepared Them Well*, GALLUP: EDUC. (Feb. 16, 2018), <https://news.gallup.com/poll/227039/few-mba-law-grads-say-degree%20prepared.aspx>.

202. *Id.*

203. Howarth, *supra* note 7, at 103.

204. *Id.* at 2-3.

205. Luena Rodriquez-Feo Vileira et al., *Colleges Face Financial Struggles as Trump Policies Send International Enrollment Plummeting*, AP (Aug 30, 2025, at 00:03 ET), <https://apnews.com/article/international-fl-student-visa-trump-college-3f10a430b4ee48342ecb62d47c53c1bc>.

206. Ben Unglesbee, *Judge Permanently Blocks NIH's Plan to Cap Funding, Setting up Appeals Battle*, HIGHER ED DIVE (Apr. 7, 2025), <https://www.highereddive.com/news/judge-permanently-blocks-nih-plan-to-cap-funding-setting-up-appeals-batt/744647/>.

206. *20 Most Affordable Law Schools in 2025*, BEST VALUE SCHS. (Jan. 13, 2025), <https://www.bestvalueschools.org/cheapest-law-schools/>.

education's outcomes and value added, will present an ongoing challenge for law schools.

IV. COLLABORATION AND COMMUNITY IMPACT

Law schools thrive when they act as civic partners—collaborating across institutions, disciplines, and communities. Community engagement is vital not only for legitimacy, but also for ensuring that law schools remain responsive to the needs of society. Law schools cannot exist in isolation, detached from the profession, from their universities, or from the communities they serve. Without deliberate collaboration, even the best internal reforms risk becoming insular—producing lawyers who are technically trained but disconnected from the real challenges their communities face. Graduating practice-ready students and supporting the broader legal ecosystem requires a sustained commitment to community partnerships, inter-institutional engagement, interdisciplinary work, and shared governance. Law schools play a vital role in strengthening the professional pathway and serving the public. Law schools need to be connected to the profession they serve. Too often, however, law schools and practicing lawyers operate in different spheres. Building stronger partnerships with bar associations, courts, and law firms can transform this tension into a feedback loop where law schools are continuously informed by, and responsive to, professional realities. To remain relevant, law schools must distinguish themselves through collaboration.

Significant opportunities exist for law schools to collaborate across institutions. When attending the large Law School Admission Council (LSAC) recruitment forums, prospective students often hear identical narratives from every institution. Not every law school needs to be an expert in every subject area. Other than perhaps LL.M. degrees in tax, few specializations matter in the marketplace. What will truly set schools apart is the ability to deliver demonstrable skills and employment outcomes—paired with theory—particularly in areas of specialization. Ultimately, inter-institutional collaboration can raise academic standards, drive innovation, and create sharper specializations that help students select schools on more than the basis of a U.S. News Ranking. Market pressures push lawyers to develop expertise and create niche specializations and practice areas.²⁰⁷ And while this does not currently happen in legal education, pathways to specialization either through “residencies” or advanced training are needed.²⁰⁸ In states with multiple law schools, differentiation is key to efficiently using resources. It also can assist with delivering online education—where collaboration on course delivery can create distinct benefits for all partners. One recent example of law schools collaborating is with Harvey AI, whose law school alliance program

207. See, e.g., *2023 Report on the State of the Legal Market: Mixed Results and Growing Uncertainty*, THOMSON REUTERS 26 (2023), <https://www.thomsonreuters.com/en-us/posts/wp-content/uploads/sites/20/2023/01/2023-State-of-the-Legal-Market.pdf>.

208. See, e.g., Richard E. Redding, *The Legal Academy Under Erasure*, 64 CATH. U. L. REV. 359, 396, 399 (2015).

pilot with Stanford, NYU, Michigan, Texas, and Notre Dame promises to enable cooperation on infusing technology more fully into law school education.²⁰⁹

One idea that would help faculty to better collaborate across institutions is to add peer review to academic law journals. Critics of law scholarship note that most law reviews are controlled by students, rather than professional scholars.²¹⁰ The lack of peer review also receives significant critique.²¹¹ According to Washington & Lee's Law Journal Rankings, there are 674 student-edited law journals in the United States, but only 42 peer edited or refereed journals.²¹² Peer reviewed publications will improve the student experience, develop greater legitimacy for the legal academy, and create additional opportunities for institutional collaboration.

If every law professor was required to participate as a reviewer for a journal, every paper received an initial review from the editorial board, and then was assigned to a panel of three reviewers for a double-blind review, the entire field would benefit. First, it would immediately cut the number of journals dramatically, increasing quality of legal scholarship overall. Second, it would restrict article size—50,000-word pieces may be necessary in certain longer-form arguments, but there is little need to explicate on every nuance on the history of an issue every time it is presented. Third, it would provide a more robust experience for law students, who are already learning about citation format but do not necessarily know enough about the substantive content of the articles. Peer review provides the opportunity for students to interface with other academics as they manage the review process, to learn from the reviewers, and to work with the law review advisor (and potentially an external advisory board) to determine placement outcomes. It is a much better training for future law professors who will be engaged in creating scholarship. Fourth, as an author it is a tough but helpful experience to go through the peer review process. Peer review does not stop authors from workshopping papers and from receiving advice and feedback prior to the peer review process.

Fifth, blind grading is the bread and butter of 1L legal education, and yet as a potential author, who you are and where you teach does matter in terms of your publishing options. If great ideas and articles should be determinative of publication, regardless of the author, blind peer review is the answer. Blind review also forces authors to make decisions about where to send submissions, instead of sending to hundreds of journals at considerable institutional expense. Sixth, the

209. *Harvey Launches Academic Program with Law Schools at Stanford, NYU, Michigan, UCLA, The University of Texas, and Notre Dame*, HARVEY (Aug. 28, 2025), <https://www.harvey.ai/blog/harvey-launches-academic-program-with-law-schools>.

210. Gene R. Shreve, *Is Law a Discipline: Forays into Academic Culture*, 68 CLEV. ST. L. REV. 217, 233 (2020).

211. *Id.*; Roger C. Cramton, "The Most Remarkable Institution": *The American Law Review*, 36 J. LEGAL EDUC. 1, 7-8 (1986) ("The claim that student editors can recognize whether scholarly articles make an original contribution throughout the domain the of law is now viewed by legal scholars as indefensible."); David E. Van Zandt, *Discipline-Based Faculty*, 53 J. LEGAL EDUC. 332, 332 (2003) (describing the lack of peer review as why "the work of many law school faculty falls short of the standards that prevail in other disciplines").

212. *W&L Law Journal Rankings*, WASH. & LEE UNIV. SCH. OF L. (July 15, 2025), <https://managementtools4.wlu.edu/LawJournals/>.

legal academy needs to continue adding qualitative and quantitative aspects to our research.²¹³ Finally, there is the opportunity to improve on the many weaknesses that plague peer review. There are issues with reviewer bias, subjectivity, and inconsistency.²¹⁴ There are also challenges with the slowness of the review process and the lack of civility exhibited by reviewers.²¹⁵ A lack of reviewer incentives, high workloads, and the risk of reinforcing existing hierarchies, suppressing dissent, or developing a false consensus are all additional risks of traditional peer review.²¹⁶ Consistency across journals can be created through common operating guidelines, standards, and reviewer training.²¹⁷ AI tools can be used to pre-screen submissions for plagiarism or other structural issues, identify qualified reviewers, and reduce the risk of reviewer bias.²¹⁸ In sum, peer review would improve legal scholarship and enable faculty to more formally collaborate across institutions.²¹⁹ Shared expertise in specific areas will also develop opportunities for shared academic programs, whether in-person or online.

Collaboration should not just be between law schools, but across both professions and disciplines. Contracts and property relate to law and economics; criminal law can benefit from sociology, psychology, and philosophy.²²⁰ Law schools have begun hiring more faculty with Ph.D.s in other disciplines, which can be a benefit to both teaching and scholarship.²²¹ At the same time, law schools should prioritize faculty who can bridge theory with practical experience, as it brings an important element into the classroom.²²² The law touches so many different areas, and we can expand our influence within the academy, and within our home institutions, with additional collaboration.

213. At UND, Professor Steven Morrison is working towards an advanced degree and publish quantitative research. *See, e.g.*, Steven R. Morrison, *U.S. Economic Inequality and Crime Rates at the County Level: 2018-2022*, 74 DEPAUL L. REV 875 (2025).

214. Steven Lubet, *Law Review vs. Peer Review: A Qualified Defense of Student Editors*, 2017 U. ILL. L. REV ONLINE 1 (2017), <https://illinoislawreview.org/online/law-review-vs-peer-review/>.

215. Alexandra Wilson, *The Pitfalls of Peer Review: The Supposed Gold Standard for Academic Rigour Can Be Nothing of the Kind*, THE CRITIC (Aug. 18, 2025), <https://thecritic.co.uk/the-pitfalls-of-peer-review/>.

216. Jonathan P. Tennant & Tony Ross-Hellauer, *The Limitations to Our Understanding of Peer Review*, RESH. INTEGRITY & PEER REV., 2020, at 4, 8 (discussing how peer review may reinforce prevailing paradigms and hierarchies); Colleen Flaherty, *The Peer-Review Crisis*, INSIDE HIGHER ED (June 12, 2022), <https://www.insidehighered.com/news/2022/06/13/peer-review-crisis-creates-problems-journals-and-scholars> (describing unpaid, volunteer scholars which leads to overloads, superficial reviews, or declines to review).

217. Tony Alves et al., *Peer Review Innovations: Insights and Ideas from the Researcher to Reader 2024 Workshop*, 47 SCI. ED. 56, 56-59 (2024), <https://www.csescienceeditor.org/wp-content/uploads/2024/04/CSEv47n2-p56.pdf>.

218. *See id.* at 57.

219. Shreve, *supra* note 210, at 236-47 (analyzing the reasons why peer review in legal scholarship is not a good idea).

220. Chemerinsky, *supra* note 193, at 559.

221. *Id.*

222. *Id.*

A. *The Role of Shared Governance in Institutional Renewal*

Each of the pillars and all the ideas shared here require developing a strong law school team. Shared governance is essential for moving forward. Reduced in-office faculty presence after COVID-19 makes team cohesion harder to achieve, as there are fewer professors working from the office. By not modeling collaborative engagement, conflict threatens to undermine the community “fabric” of law schools.²²³ By modeling respectful professional exchanges, especially during disagreement, law schools and law professors can demonstrate a commitment to both civility and the rule of law.²²⁴ Shared governance must not distinguish between faculty types, and granting everyone governance rights demonstrates a basic commitment to inclusiveness.²²⁵ True shared governance goes even further and includes staff. The focus must be on what is best for students, so meaningful input from students, recent graduates, and employers is essential.

Shared governance is critical for building trust. It is also essential for getting things done. Instead of making decisions and then seeking input, I believe in being inclusive while formulating options. Great ideas can come from anywhere, and no dean has a monopoly on good ideas. I would rather quickly find out my idea is flawed, so it can be improved or scrapped. Focusing on interests over positions and taking a mindful approach are both key.²²⁶

Legal education depends on collaboration that extends far beyond any singular institution. By embracing peer review, fostering interdisciplinary partnerships, and engaging meaningfully with the profession and community, law schools can strengthen the quality of education and deepen their societal impact. Such collaboration reinforces the credibility of legal academia, ensures that students are prepared to meet real-world challenges, and builds bridges between theory and practice. When law schools model transparency, respect, and cooperation—both internally and externally—they not only strengthen their institutions, but also uphold the very principles of justice and collective governance that define the legal profession itself.

V. MY NORTH DAKOTA EXPERIENCE

My views about Access and Opportunity, Excellence, Community Impact, and Affordability have been significantly shaped by my experience at the University of North Dakota. At UND Law, access and opportunity are important values, as anyone we believe can become a high-quality attorney will be admitted, regardless of background. We do not target specific entering credentials, and we only have an 11% discount rate.²²⁷ For 2022 and 2023, the median LSAT was 150,

223. Wald, *supra* note 24, at 582.

224. *Id.* at 597.

225. *Id.* at 600.

226. BRIAN A. PAPPAS, MINDFULNESS AND LAW SCHOOL LEADERSHIP, *in* MINDFULNESS IN LEGAL EDUCATION (Scott Rogers ed., forthcoming 2026).

227. A school’s discount rate is the average amount of tuition that is discounted back to students in either grants or institutional scholarships. If tuition is listed at \$50,000, for example, but the

and the median GPA was 3.37.²²⁸ In 2024, the median LSAT was also 150, but the median GPA rose to 3.46.²²⁹ Only 10-12 schools each year from 2022-2024 had a median LSAT lower than 150.²³⁰ UND's median GPA was 30th lowest, 35th lowest, and 39th lowest respectively from 2022-2024.²³¹ UND had the highest acceptance rate of any school at 72.68% in 2022, falling to 62.01% and the 29th highest in 2023, and falling again to 61st highest at 52.22% for 2024.²³² Few deans highlight low entering credentials as a strength, but access is important and necessary to provide opportunity.

In the wake of the *Students for Fair Admissions, Inc.* decision,²³³ we amended our scholarship processes to eliminate our diversity waiver, which provided a significant scholarship for minority students. At the same time, we invested in a new recruiter and focused on increasing our application pool. From 2022 to 2023, applications were essentially flat, but then rose by 19% for 2024.²³⁴ With the increase in applications we increased 1L class diversity from 16.8% in 2023 to 24.4% in 2024.²³⁵ Going back to 2011, we average 14.3% diversity in the 1L class, and 24.4% is the highest percentage on record.²³⁶ Did we preference minority applicants? No, we do not preference race when making admissions decisions. Our varied student population includes many students who have overcome significant obstacles, including students from marginalized communities. We also have significant numbers of students with families seeking second careers and students with extensive military service.

At UND, we do our best to support civility and plurality in our classes and in our extra-curricular activities. So many of our faculty work hard to help students feel like a valued part of the community.²³⁷ During orientation, I led difficult conversations training for the new 1L classes because building relationships and engaging in dialogue can be transformative. We want to model dialogue safely and responsibly. If we cannot have difficult conversations in law school, where can we have them? The purpose of any classroom conversation should not be to produce

average cost paid by students is actually \$25,000, the school has a 50% discount rate. Paul Fain, *Study on Tuition Discounting by Law Schools*, INSIDE HIGHER ED. (Oct. 29, 2017), <https://www.insidehighered.com/quicktakes/2017/10/30/study-tuition-discounting-law-schools> (finding an average discount rate of 39% in the fall of 2016).

228. *ABA Required Disclosures*, A.B.A.: LEGAL EDUC. & ADMISSION TO THE BAR, <https://www.abarequireddisclosures.org/requiredDisclosure> (last visited Dec. 18, 2025).

229. *Id.*

230. *Id.*

231. *Id.*

232. *Id.*

233. *Students for Fair Admissions, Inc. v. President & Fellows of Harv. Coll.*, 600 U.S. 181, 231 (2023).

234. *ABA Required Disclosures*, *supra* note 238.

235. *Id.*

236. Data on file with author. Credit for our admissions success goes to our admissions committee, our administrative directors—Maggie Melvin, and now, Pam Shea, and our Assistant Dean for Student Services, Brad Parrish.

237. *Id.* This is a partial list and not meant to leave anyone out, but notably Professors Julia Ernst, Paul Traynor, Jim Grijalva, Daniel Lewerenz, and Kimberly Dasse often go above and beyond to lend support for students.

a consensus, but to promote critical thinking. It is better to hear “you made me think” instead of “I agree with you.” Lawyers are leaders in our communities. We are called upon to take roles in government, politics, and business that necessitate navigating difficult conversations. In addition, we have numerous student groups that support plurality and civility. Our Federalist Society does good work promoting civility and the First Amendment. They invite national speakers, create respectful programming that presents multiple viewpoints, and they welcome and encourage a meaningful exchange of views.²³⁸ As dean I was frequently asked who the liberals or conservatives might be on the faculty. The truth is that I largely do not know. Our faculty are not in the business of telling students what to think; we strive to develop students who can think for themselves.

My experience at UND reinforced key insights about excellence. It is all too easy to focus on U.S. News rankings. From 2022-2025, we increased 21 spots from unranked to number 161.²³⁹ We also went from unranked in the U.S. News ranking for legal writing programs to 32nd and then to 17th.²⁴⁰ We ranked 26th in the inaugural U.S. News ranking of law schools with the most graduates holding federal clerkships, tied with Vanderbilt, North Carolina, Minnesota, UCLA, and NYU (among others).²⁴¹ While these statistics provide a convenient shorthand, they also highlight a tension: the very metrics used to demonstrate excellence are often the same ones that distort law schools’ priorities.

Along with rankings, we also wrestled with bar exam performance as a proxy for excellence, something I was often asked about while serving as dean. UND Law exceeds all other law schools, nearly every semester, in performance on the North Dakota bar exam.²⁴² Between 2018 and 2023, 65% of UND graduates versus 58% of non-UND graduates passed the North Dakota bar exam.²⁴³ Examining first

238. *Faculty*, UNIV. OF N.D.: SCH. OF L., <https://law.und.edu/about/faculty.html> (last visited Dec. 18, 2025). Faculty advisor, professor, and former dean Michael McGinniss deserves enormous credit for his leadership in this area.

239. *Compare 2025 Best Law Schools*, U.S. NEWS & WORLD REP., <https://www.usnews.com/best-graduate-schools/top-law-schools/law-rankings> (last visited Dec. 18, 2025) (showing UND Law’s 2025 ranking of #1611), *with 2022 Best Law Schools*, U.S. NEWS & WORLD REP., <https://www.usnews.com/best-graduate-schools/top-law-schools/law-rankings> [<https://web.archive.org/web/20210930112159/https://www.usnews.com/best-graduate-schools/top-law-schools/law-rankings>] (last visited Dec. 18, 2025) (showing UND Law being unranked in 2022).

240. *Compare 2025 Best Law Schools*, *supra* note 239 (displaying that UND Law as the 17th ranked Legal Writing program), *with 2022 Best Law Schools*, *supra* note 239 (showing UND Law as the 32nd ranked Legal Writing program).

241. *Law Schools with the Most Graduates in Federal Clerkships*, U.S. NEWS & WORLD REP., <https://www.usnews.com/best-graduate-schools/top-law-schools/most-grads-in-federal-clerkships-rankings> (last visited Dec. 18, 2025); Nikola L. Datzov, *UND Law: A Leading Law School for Federal Clerkships*, 72 THE GAVEL, 18, 18 (2025), <https://viewer.joomag.com/summer-2025-gavel/0279352001755784745/p18?short=> (Of nine clerks from 2024-2025, they were hired by seven different judges, half from out-of-state. Datzov notes, “UND law placed more *out-of-state* federal clerks in 2024 and 2025 than a third of law schools placed total federal clerkships.”). Datzov is a big reason for this success—mentoring students, co-teaching a *Behind the Bench* course with Honorable Ralph R. Erickson (8th Circuit Court of Appeals), and planning leading clerkship speaker panels.

242. Brian Pappas, *The Bar Exam Question*, 70 THE GAVEL, Fall 2023, at 22, 22 [<https://viewer.joomag.com/fall-2023-gavel/0248244001699456875/p22?short=>].

243. *Id.*

time passage rates, the UND graduates' first-time pass rate was 78% versus 67% for non-UND graduates.²⁴⁴ Consistency has been an issue, and the state's total pass rate from 2018-2023 ranged from 58-73%, with a first-time pass rate range of 69-79%.²⁴⁵ Bar results for the states of South Dakota and Wyoming showed similar consistency within the same time period.²⁴⁶

Over time, I became convinced that we were achieving better than expected outcomes despite lower entering credentials, reinforcing my views that excellence must be tied to access, growth, and support rather than prestige rankings. Examining the data, the lowest LSAT bands of UND Law's entering classes from 2019-2022 have lower than desired bar pass rates.²⁴⁷ With two bar exams left (July 2025 and February 2026),²⁴⁸ the two-year (ultimate) pass rate for the below 144 and 145-146 LSAT groups is 60% and 64% respectively. Without those segments, which are roughly UND's bottom 25th percentile, the class more closely resembles Wyoming, Montana, and Mitchell Hamline, whose 25th percentile LSAT is equal to our higher than UND's 50th percentile LSAT score. Without the 145-146 and below 144 groups, UND's first time pass rate is 75% (higher than both Mitchell Hamline and Wyoming), and the ultimate pass rate is 90% (higher than Mitchell Hamline).

While subtle, the data indicates that UND Law may be adding more value to its students at the lower credential ranges than its peers. The 2019-2022 average ultimate bar pass rate of 86% for the 147-149 segment and the 88.63% overall rate are notable given UND's lower LSAT numbers compared to peer schools at the 25th, 50th, and 75th percentiles. UND's overall ultimate bar pass number surpasses Mitchell Hamline and South Dakota and only trails St. Thomas by 0.46% and Wyoming by 1.44%, both of whom have median LSATs above UND's 75th percentile.

244. *Id.*

245. *Id.*

246. *Id.* at 23.

247. I am focused on LSAT data as the main proxy for entering credentials. This analytical choice also sets up a broader theme: excellence should be measured not only by inputs (like LSAT) but by the value a school adds to its graduates, relative to those inputs. I understand the LSAT is considered by many to be a flawed assessment, and that students with resources can take prep courses and improve their "aptitude" and thus score on the test. I am using the LSAT as a consistent measure by which to examine entering credentials relative to bar success. *See, e.g.,* Revisionist History, *The Tortoise and the Hare*, PUSHKIN, <https://www.pushkin.fm/podcasts/revisionist-history/the-tortoise-and-the-hare> (last visited Dec. 18, 2025) (Malcolm Gladwell argues the LSAT's time constraints penalize takers requiring more time to process complex information, which he argues is more akin to legal practice); LaTasha Hill, *Less Talk, More Action: How Law Schools Can Counteract Racial Bias of LSAT Scores in the Admissions Process*, 19 U. MD. L.J. RACE, RELIGION, GENDER & CLASS 313, 316 (describing background biases, including penalties experienced by Latinx and Black testers).

248. This data is up to date as of July 1, 2025, when the author left his position at UND.

Bar Performance UND Law Graduation Classes of 2022-2024

Entering 1L LSAT	Risk of Bar Exam Failure ²⁴⁹	1st Time Pass Rate %	1-Year Pass Rate %	Ultimate Pass Rate* %
144 and below	Extreme	33%	49%	60%
145-146	Very High	50%	57%	64%
147-149	High	62%	76%	86%
150-152	Modest	71%	84%	86%
153-155	Low	91%	95%	95%
156 +	Minimal	92%	100%	100%

*Note the 2024 class still has one additional year (July 2025 and Feb 2026) for the ultimate pass rate period that impacts 14 students.

Peer School 2022-2024 Graduating Classes

Law School	2019-2022 Avg. 25% LSAT	2019-2022 Avg. 50% LSAT	2019-2022 Avg. 75% LSAT	2019-2022 Avg. Ult. Bar Pass Rate	2022-2024 Avg. 1st Time Bar Pass
North Dakota	145.7	149.0	152.0	88.63%	64.42%
Mitchell Hamline	149.0	152.3	157.0	82.70%	71.58%
South Dakota	147.1	150.5	154.0	87.48%	70.80%
Wyoming	150.4	153.1	155.8	90.07%	72.68%
Montana	151.7	155.3	158.6	97.23%	83.57%
St. Thomas (MN)	148.3	152.2	155.6	89.09%	79.79%

How has UND achieved some better-than-expected results for students with lower entering credentials? I believe it is due to excellent teaching and support for students at UND Law.²⁵⁰

249. *Key Findings*, L. SCH. TRANSPARENCY, <https://archive.lawschooltransparency.com/reform/projects/investigations/2015/key-findings/> (last visited Dec. 18, 2025) (articulating different risks based on entering LSAT bands).

250. There are far too many people to list here. Professor Dauphinais pioneered the school's initial legal writing program, developed and built the school's first advising system, and led and oversaw the school's first academic success and bar prep program. Professor Ariana Meyers joined this effort and was a major factor in our bar success. We also have numerous doctrinal professors who are doing remarkable things. Professors Alex Sickler, Michael McGinniss, and Nick Datzov are setting an extremely high standard for 1L instruction. Professor Blake Klinkner took the initiative to apply for and secure a \$25,000 grant in 2024 from AccessLex to study and address bar passage barriers and interventions. Even the faculty's longest serving professor, Jim Grijalva, years ago flipped his property course to better monitor and encourage student learning. The faculty in total also benefit from a history of deep introspection into teaching methodologies and philosophy. Emerita Professor Patti Alleva, a long-time UND law professor, focused intently on metacognition and student professional development as a part of curricular reform. See Patti Alleva & Jennifer A. Gundlach, *Learning Intentionally and the Metacognitive Task*, 65 J. LEGAL EDUC. 710 (2016). Her legacy persists in the DNA of teaching at UND Law. The faculty teaching lawyering skills and upper-level classes are equally dedicated to students. Professor Carolyn Williams is a forerunner of team-based

UND also sharpened my views about AI, the role of a curve, and student health and wellness. UND has significant expertise in AI, with at least five of our eighteen full-time faculty actively engaging with AI in their courses, assessments, and scholarship.²⁵¹ Our law students were seemingly much faster to utilize AI on assignments, perhaps because Professor Datzov began including an AI assignment in Torts in 2023 to give exposure to how AI is impacting the legal profession. Professor Datzov is now offering a specific AI class. Datzov's focus is on ensuring students learn the material and do not take easy shortcuts simply to earn a good grade with the help of AI-generated work product. As Datzov notes, "students taking advantage of that process shortcut aren't just cheating their professor, they are cheating themselves from an opportunity to learn."²⁵² Faculty face growing challenges in assessing student learning, as otherwise students and employers are left with work product that falsely belies abilities that may not exist.²⁵³ Professor Carolyn Williams is also at the forefront of the AI revolution in legal education. Williams's recent article is a foundational contribution about how thoughtful assessments can be used considering AI usage and the need to be prepared for the NextGen bar exam.²⁵⁴

Regarding student health and wellness, the UND culture feels different. While there are issues, the students seem happier due to three factors. First, there is no curve for 1L doctrinal courses, and so students do not feel they are competing against one another. Nonetheless, UND holds students to a rigorous standard. From

learning, a teaching pedagogy based on successful assessment. Jen Cook and Kimberly Dasse show dedication to both student excellence and student wellness. Denitsa Mavrova Heinrich teaches evidence and leads the trials skills area of the curriculum. Professor Margaret Moore Jackson spans both doctrinal and experiential courses. As any law dean can attest, it is the quality of the faculty that makes the greatest difference.

251. Professor Blake Klinkner routinely writes about law and technology and how civil procedure, evidence, and attorney professional responsibility may adapt to changes in law, society, and technology. Blake A. Klinkner, *Artificial Intelligence and the Future of the Legal Profession*, WYO. LAWYER, December 2018, at 26, 26-28; Blake A. Klinkner, *Artificial Intelligence-Generated Court Transcription: Understanding the Tradeoffs and Preparing for This Inevitable Future*, WYO. LAWYER, June 2025, at 50, 50-51. Professors Jennifer Cook and Denitsa Mavrova Heinrich co-authored an article examining the ethical obligations and privacy concerns that arise when using AI-assisted legal research and writing tools. Jennifer J. Cook & Denitsa R. Mavrova Heinrich, *AI-ready Attorneys: Ethical Obligations and Privacy Considerations in the Age of Artificial Intelligence*, 72 U. KAN. L. REV. 313, 313 (2024). Professor Nick Datzov is also deeply thinking about AI, both in his groundbreaking scholarship and in the classroom. Nikola L. Datzov, *The Role of Patent (In)Eligibility in Promoting Artificial Intelligence Innovation*, 92 UMKC L. REV. 1, 1-4 (2023); Nikola L. Datzov, *The Times They Are a-Changin': AI's Powerful Winds Sweeping Across Higher Education*, DAKOTA DIGIT. REV. (Oct. 22, 2024), <https://dda.ndus.edu/ddreview/the-times-they-are-a-changin-ais-powerful-winds-sweeping-across-higher-education/>; Nikola L. Datzov, *Artificial Intelligence Is Transforming Our World—Are We Ready?*, DAKOTA DIGIT. REV. (Sep. 13, 2022), <https://dda.ndus.edu/ddreview/artificial-intelligence-is-transforming-our-world-are-we-ready/>; Nikola L. Datzov, *AI Jurisprudence: Toward Automated Justice 1* (Sep. 9, 2024) (unpublished manuscript) (on file with author).

252. *The Times They Are a-Changin': AI's Powerful Winds Sweeping Across Higher Education*, *supra* note 250.

253. *Id.*

254. Carolyn V. Williams, *Bracing for Impact: Revising Legal Writing Assessments Ahead of the Collision of Generative AI and the NextGen Bar Exam*, 28 LEGAL WRITING 1, 1 (2024).

Fall 2022 through Spring 2024, the 1L class GPA average was 2.92.²⁵⁵ Second, our tuition is affordable, and students are not struggling with crushing loan debt. Tuition is less than \$20,000 per year, and for those attending out of state, residency can be achieved after one year as a student. UND's tuition places it in the top fifteen for affordability nationwide.²⁵⁶ Further, we provide in-state tuition to anyone currently or previously serving in the military. Third, many of our staff and faculty are focused on student wellness and actively encourage balance and rest.²⁵⁷

Finally, UND taught me a lot about collaboration and community impact. At UND Law, there is a strong and essential connection between the practicing bar, the bench, and the law school.²⁵⁸ With a bar membership of less than 4,000, the state is home to a collaborative and welcoming group of lawyers. North Dakota provides the opportunity to enter practice and gain experience immediately. Whether in transactional work or litigation, new lawyers in North Dakota gain experience in ways hard to imagine in other locations. Instead of watching or waiting, new lawyers in North Dakota are doing. I believe it quickly puts lawyers five years ahead of their peers by starting their careers in the Peace Garden State.

I am also very proud of how much collaboration occurs at UND across disciplines. We worked across colleges and universities to explore opportunities for dual degrees and clinical collaborations. Additionally, our faculty collaborate extensively across the university.²⁵⁹ At UND we worked hard to use our clinical

255. Data on reserve with author.

256. *20 Most Affordable Law Schools in 2025*, BEST VALUE SCHS. (Jan. 13, 2025), <https://www.bestvalueschools.org/cheapest-law-schools/>.

257. Professors like Julia Ernst prioritizes student well-being in their classes, and she recently authored a law review article analyzing wellness for seasoned law professors. Julia L. Ernst, *Well-Being for Seasoned Legal Professionals*, 99 N.D. L. REV. 577, 610-13 (2024). Professor Jennifer Cook includes mindfulness as a part of her instruction. The student life staff are very engaged and active in monitoring student health and wellness. Pam Shea, who formerly worked in student life and now serves as admissions director, and now Bailly Oswald, are responsible for developing a wide variety of programming and services.

258. The North Dakota Supreme Court hears cases every year at the Law School, the Dean serves on the State Bar Association of North Dakota's Board of Governors, and numerous law professors are active in state and local bar activities.

259. Professor Mavrova Heinrich partners with the Forensic Psychology Graduate Program on shared programs around expert witnesses. She also publishes in collaboration with the Psychology faculty. See, e.g., Richard A. Wise et al., *What Psychologists Need to Know About Substance Use Disorder Confidentiality*, 55 PROF. PSYCH.: RSCH. & PRACTICE 547 (2024). Professor Daniel Lewerenz is working with Psychology Professor Kimberly Schweitzer on a National Science Foundation grant leading to empirical peer-reviewed and traditional law review publications. Kimberly Schweitzer & Dan Lewerenz, *The Role of Stereotypes in Jurors' Indian Status Determinations and Guilt Decisions*, BEHAV. SCIS. 1 (June 2025), <https://pmc.ncbi.nlm.nih.gov/articles/PMC12189607/pdf/behavsci-15-00824.pdf>; Daniel Lewerenz, *Indian Status on Trial: Race, Stereotypes, and Determinations of Guilt in Indian Status Prosecutions* (forthcoming). Professor Steven Morrison is partnering on multiple articles with UND Economics Professor David Flynn. The two professors have two works in progress. The first is titled, *Is U.S. Economic Inequality Associated with Crime Rates?* The other is *Had Dodd-Frank Served Its Purpose? A Ten-Year Retrospective*. Professor Jim Grijalva and EPA administrator Luke Jones, who completed a visiting appointment shared between the Political Science department, continue to partner on scholarship and presentations. *Grijalva and Jones Present on Public Participation in Tribal Environmental Programs at National Forum*, UNIV. OF N.D.: N.D. L., <https://blogs.und.edu/ndlaw/2025/09/grijalva-and-jones->

programs to extend the community connection. We expanded from one Family Law Clinic to now also offer a Business and Non-Profit Law Clinic and additional experiential opportunities on wrongful conviction cases and housing discrimination.²⁶⁰ In 2024-2025, we partnered with the Governor's Office, the State Department of Commerce's Office of Legal Immigration, the legislature, and local practitioners to pass a bill funding an immigration clinic at the law school.²⁶¹ Our long-time grant funded Tribal Judicial Institute works across the state and across the country assisting tribal courts.²⁶² Inherently, collaboration means working with a variety of organizations and interests in ways that can lead to joint gains. Law schools like UND do not have the funding to hire numerous clinical faculty, so partnering with community organizations and lawyers is essential to provide creative and affordable alternatives. By creating a "hybrid" or "externship-plus" model, law schools can hire adjuncts to teach clinical courses, pairing them with faculty members in areas of expertise. The key is to develop the clinical pedagogy support that ensures students have a quality academic experience. To do so, law schools must have a core group of skills faculty with the pedagogical expertise and ability to scale experiential learning in creative and meaningful ways. The idea that academics know theory and practitioners know practice and one of those groups is superior at teaching is a false dichotomy. We need both theory and practice, with a focus on the intersection and on teaching methods that are not the exclusive domain of any one group. With ABA experiential credit requirements potentially expanding to twelve, and the NextGen Bar focusing on skills, law schools need to continue to aggressively expand opportunities for students.

During my time at UND, I am most proud of our focus on shared governance. As a faculty, we developed processes for faculty review of new and existing courses, reaffirmed our status as a unified tenure track, and sectioned our first-year doctrinal courses with a deliberative and collaborative process that enabled us to increase enrollment by 19%. Similarly, we reinvigorated the law school's staff involvement in governance and replaced dean-led meetings with an elected staff president. I met monthly with the leaders of the law school student organizations to talk about what was going well and what needed to improve. I also included our Student Bar Association President in our leadership team meetings. Change is

present-on-public-participation-in-tribal-environmental-programs-at-national-forum/ (last visited Dec. 18, 2025).

260. *Family Law Clinic*, UNIV. OF N.D.: SCH. OF L., <https://law.und.edu/academics/family-law-clinic.html> (last visited Dec. 18, 2025); *Business & Non-Profit Law Clinic*, UNIV. OF N.D.: SCH. OF L., <https://law.und.edu/academics/business-law-clinic.html> (last visited Dec. 18, 2025); *Innocence Project*, UNIV. OF N.D.: SCH. OF L., <https://law.und.edu/academics/und-innocence-project.html> (last visited Dec. 18, 2025); *Curriculum and Courses*, UNIV. OF N.D.: SCH. OF L., <https://law.und.edu/academics/courses.html#d65e276--2> (last visited Dec. 18, 2025).

261. *UND Immigration Law Clinic*, UNIV. OF N.D.: SCH. OF L., <https://law.und.edu/academics/immigration-law-clinic.html> (last visited Dec. 18, 2025).

262. Led by B.J. Jones and Michelle Rivard Parks, they offer training and consulting services across Native American Country. Professors Jim Grijalva and Dan Lewerenz lead the Northern Plains Indian Law Center and our Indian Law certificate program, connecting students to practice. *Northern Plains Indian Law Center*, UNIV. OF N.D.: SCH. OF L., <https://law.und.edu/npilc/index.html> (last visited Dec. 18, 2025); *Tribal Justice Institute*, UNIV. OF N.D.: SCH. OF L., <https://law.und.edu/npilc/tji/index.html> (last visited Dec. 18, 2025).

difficult but often necessary. The pathway for a brighter future is doing the hard work together by clearly defining the problem, sharing information transparently, collaborating to find the best solution, and making use of our collective talents and abilities. UND Law's greatest challenge is not to rest on its laurels, but to push the pace of change, and to focus on curricular innovation. The University of North Dakota School of Law is a special place, and it was truly an honor to serve as dean.

There are significant challenges facing legal education, including (1) artificial intelligence; (2) changing demographics and demand for legal services; (3) societal shifts, politics, and civility; (4) generational changes, work-life balance expectations, and wellness challenges; (5) ongoing influence of the U.S. News rankings, (6) changing accreditation standards and a new bar exam, (7) navigating a skills/doctrine divide amidst the need for curricular change, and (8) university financial pressures and the increasing cost of legal education. Each of these challenges are also opportunities.

The case for reform is straightforward. If legal education continues to prize inputs and prestige over value-added outcomes, it will erode public trust and accelerate technological replacement. A four-pillar framework—Access & Opportunity, Accountable Excellence, Affordability, and Community Impact—reorients law schools toward measurable learning, AI-enabled practice, and student well-being, while broadening who becomes a lawyer and whom lawyers serve. Law schools must anticipate technological change, address affordability, and treat law school as a path to community service, regardless of a lawyer's area of practice or specialization. Through this four-pillar framework, legal education can embrace change, sustain legitimacy, and better serve society.