

# A 21ST CENTURY LAW SCHOOL FOCUSED ON THE FUTURE WHILE FIRMLY GROUNDED IN THE PAST: RENEWING CONSTITUTIONAL NORMS, COMMUNITY OUTREACH, AND CIVIC ENGAGEMENT

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## ABSTRACT

What is the appropriate role for a Law School in the 21st century? Should they be ideologically neutral? Engines for social change? A source of entrepreneurial legal thought? This Article argues that a law school must be understood not merely as a professional training ground, but as a civic institution central to sustaining the rule of law. It posits that one of the primary purposes of a legal education is to create within the student an understanding of how our system has been designed and the goals it was created to achieve. Drawing on legal theory, access-to-justice scholarship, and innovations in pedagogy, this Article outlines a vision for legal education that honors its legacy while embracing the demands of technological change and democratic fragility. The claim is normative: law schools must act as “civic engines,” renewing their social compact by bridging legacy and innovation in the service of justice, democracy, and civic renewal. It provides an ideologically neutral approach to this endeavor grounded in civic communication.

## INTRODUCTION: THE CHALLENGE AND THE OPPORTUNITY

American legal education stands at a critical juncture. In a time of massive upheaval, where the norms of law are either ignored or dismissed,<sup>1</sup> law schools find themselves faced with an existential crisis. How can you teach students that they must adhere to the Rule of Law when society cannot agree, or does not

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\* Dean and Professor Law, Ohio Northern University Pettit College of Law. I am grateful for the opportunity to share some thoughts about what a law school should be, why it should be that way, and how we can achieve goals that are worth striving for. I consider it part of my continuing promise to support and defend the Constitution of the United States of America and to bear true faith and allegiance to the same. The author used OpenAI’s ChatGPT (version GPT-5, Aug. 2025) as a research and drafting aid. The tool assisted in generating preliminary outlines and identifying potential sources; all substantive arguments and citations were verified through traditional legal research.

1. See generally STEVEN LEVITSKY & DANIEL ZIBLATT, *HOW DEMOCRACIES DIE* 2021 (2019) (arguing no foolproof way to identify authoritarians with many adhering to democratic norms early in their careers but abandoning them later); Neil S. Siegel, *Political Norms, Constitutional Conventions, and President Donald Trump*, 93 IND. L.J. 177, 191-98 (2018) (discussing Trump’s violation of political norms that have led to a general decrease of faith in the American government, especially the federal judiciary).

understand, what the Rule of Law means? Is there a process we can use our ideas around which we might rally education that meet the needs of this moment? Does the daily work of students, faculty, and staff accomplish anything if nothing is certain? The answer to these questions is being written right now in law classrooms across the country. How well we write those answers may determine the fate of our Republic. We must continue to pay forward the legacy of a democratic society in a world consumed by disinformation and self-interest.<sup>2</sup>

In addition, our society sits on the edge of tectonic upheaval technologically. What type of law school will be left after Artificial Intelligence (AI) permeates education? How do you prepare students to serve as attorneys in an age where everyone has a subject matter expert in their pocket? What is the role of a professor when the phone can “profess” the black letter law? To answer these existential questions, we must first look back to find the path forward. In the history of our nation, and our profession, we can identify the signposts leading us to a better legal educational experience and a more just union. The good news is that legal education has been here before. We worked our way through it then, and we will now.

#### A. *From Apprenticeship to Institutional Training*

The earliest law training in the United States was rooted in apprenticeships under practicing attorneys. One of my favorite Supreme Court Justices, Joseph Story, read for the law and never attended an established law school, yet he wrote one of the seminal commentaries on the U.S. Constitution.<sup>3</sup> His path reflects the realities of his time, but the times changed quickly. Formal institutions became established when Tapping Reeve founded the Litchfield Law School in 1784—the first dedicated law school whose sole purpose was to teach law.<sup>4</sup> Early university-affiliated law programs were additions to apprenticeships, designed to professionalize training.<sup>5</sup> By the 1820s, private law schools had begun merging into university systems, emphasizing structured professional training.<sup>6</sup>

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2. See generally Jack M. Balkin, *Free Speech in the Algorithmic Society: Big Data, Private Governance, and New School Speech Regulation*, 51 U.C. DAVIS L. REV. 1149, 1167-75 (2018) (explaining how algorithmic curation amplifies disinformation and undermines democratic discourse); CASS R. SUNSTEIN, #REPUBLIC: DIVIDED DEMOCRACY IN THE AGE OF SOCIAL MEDIA 1-35 (2017) (documenting how echo chambers and fake news foster polarization); ROBERT D. PUTNAM, *BOWLING ALONE: THE COLLAPSE AND REVIVAL OF AMERICAN COMMUNITY* 19-21 (2000) (analyzing how individualism and self-interest erode civic trust); LEVITSKY & ZIBLATT, *supra* note 1, at 101-14 (linking the erosion of shared norms to self-interested politics); TIMOTHY SNYDER, *ON TYRANNY: TWENTY LESSONS FROM THE TWENTIETH CENTURY* 65-76 (2017) (warning that disinformation and self-interest corrode democratic culture).

3. *Life Story: Joseph Story*, SUP. CT. HIST. SOC'Y, <https://supremecourthistory.org/supreme-court-civics-resources/life-story-joseph-story/> (last visited Dec. 18, 2025).

4. Andrew M. Siegel, Note, “*To Learn and Make Respectable Hereafter*”: *The Litchfield Law School in Cultural Context*, 73 N.Y.U. L. REV. 1978, 2002-03 (1998).

5. See Early Foundations and Formative Years, THE UNIV. OF ALA.: ALA. L. <https://library.law.ua.edu/2022/12/16/early-foundations-and-formative-years/> (last visited Dec. 18, 2025) (describing the affiliation of private law schools with universities in the nineteenth century).

6. *Id.*

Our legal system has its roots in the English Common Law, and our legal educational constructs during this time were grounded in Anglo-Saxon jurisprudence. English legal education emphasized scholarly and theoretical instruction—university law schools functioned mainly as academic institutions.<sup>7</sup> In contrast, early American law schools were explicitly oriented toward practical training for the profession.<sup>8</sup> The tension between these two approaches has created a legacy of tension between doctrine and practical training that continues to exist in American Legal Education to this day. We are now a quarter of the way through the 21st century, and law schools are still attempting to combine practical training and doctrinal mastery in one continuous educational endeavor. The tension between thinking like a lawyer and acting like a lawyer is very real, and continues to influence curriculum, reputation, and opportunities for young law students.

By the late 19th and early 20th centuries, the American Bar Association (ABA) and Association of American Law Schools (AALS) pushed legal education towards standardized, commercially, and civically-oriented professional training.<sup>9</sup> Civically-oriented professional training is easy to produce when society is homogeneous and everyone agrees upon civic duty. It becomes a complex problem when society is multicultural, fragmented, and facts are debatable. When you add the impact of disinformation to the educational process, it quickly becomes an insurmountable issue. The move toward formal education was reinforced in the 19th century when private law schools, many offering rigorous practical training, became affiliated with universities.<sup>10</sup> Unlike their English counterparts—which prioritized scholarly and doctrinal study—early American law schools were deliberately designed to produce practical legal professionals.<sup>11</sup> The professionalization of the bar further entrenched this mission; organizations like the ABA and the AALS advocated for standardized, responsive professional education over purely academic pursuits.<sup>12</sup>

Looking across the arc of legal educational development, a distinct theme emerges—American law schools were shaped less by abstract scholarly ideals than by the need to train competent practitioners for a rapidly professionalizing bar.<sup>13</sup> We must return to those historical roots to solve the crisis facing law schools. The

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7. See John H. Langbein, *Scholarly and Professional Objectives in Legal Education: American Trends and English Comparisons*, in 2 *PRESSING PROBLEMS IN THE LAW, WHAT ARE LAW SCHOOLS FOR?* 1, 3 (P.B.H. Birks ed. 1982), [https://law.yale.edu/sites/default/files/documents/pdf/Faculty/Langbein\\_Scholarly\\_and\\_Professional\\_Objectives\\_in\\_Legal\\_Education.pdf](https://law.yale.edu/sites/default/files/documents/pdf/Faculty/Langbein_Scholarly_and_Professional_Objectives_in_Legal_Education.pdf) (contrasting the professional orientation of American legal education with the more scholarly emphasis of English legal education).

8. *Id.*

9. Russell N. Sullivan, *The Professional Associations and Legal Education*, 4 *J. LEGAL EDUC.* 401, 409-10 (2025).

10. Early Foundations and Formative Years, *supra* note 5.

11. Langbein, *supra* note 7, at 1.

12. See Sullivan, *supra* note 9, at 416-18.

13. See ROBERT STEVENS, *LAW SCHOOL: LEGAL EDUCATION IN AMERICA FROM THE 1850S TO THE 1980S* 3-12 (G. Edward White ed. 1983) (contending early American law schools arose primarily to meet the bar's demand for trained practitioners rather than to advance legal scholarship, evolving from proprietary apprenticeship models into institutions emphasizing practical instruction and professional discipline).

need for competent practitioners remains acute, but we cannot create competent practitioners if they do not understand the system within which their profession was designed to function. These developments elevated law schools as places providing an institutional preparation for legal practice. Later developments turned this approach on its head, laying the groundwork for the scholarly study of the law in the early 20th century, which eventually took over the legal educational experience.

Today, law schools are increasingly asked to function as civic institutions—places where the defense of democracy, the expansion of access to justice, and the responsible use of technology intersect. While some believe this to be beyond the purview of a law school’s purpose, it is a return to our traditional function. Our nation has been supported time and again by the lessons learned within the halls of its schools of law. Leaders of communities are made in these classrooms, and they must be exposed to the civic nature of the legal profession to lead. The stakes are high: public trust in democratic institutions is eroding,<sup>14</sup> economic stratification deepens the divide in access to legal services, and rapid technological change disrupts both the practice of law<sup>15</sup> and the nature of legal disputes themselves.<sup>16</sup> The current political environment further exacerbates these challenges by championing a might-makes-right mentality that is antithetical to our historical understanding of the rule of law in our republic.<sup>17</sup> It falls to our institutions to reinvigorate our understanding of what it means to function as an officer of the

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14. See PEW RSCH. CTR., *Public Trust in Government: 1958-2023* (June 24, 2024), <https://www.pewresearch.org/politics/2023/09/19/public-trust-in-government-1958-2023/> (documenting near-record lows in public trust in the federal government); Jack M. Balkin, *Constitutional Crisis and Constitutional Rot*, 77 MD. L. REV. 147, 150–60 (2017) (describing institutional distrust as a form of constitutional decay).

15. John Lande, *Responsible Realism About Artificial Intelligence: How AI Is Shaping Legal and Dispute Resolution Practice, Education and Scholarship*, MEDITATE (June 23, 2025), <https://meditate.com/responsible-realism-about-artificial-intelligence-how-ai-is-shaping-legal-and-dispute-resolution-practice-education-scholarship/>; Phil Parkinson, *AI in the Workplace: The Legal Risks Businesses Can’t Afford to Ignore*, TECHRADAR: PRO (Aug. 22, 2025), <https://www.techradar.com/pro/ai-in-the-workplace-the-legal-risks-businesses-cant-afford-to-ignore>.

16. Jens Petry & Tom Gassmann, *Artificial Intelligence in Dispute Resolution: Developments, Challenges and Perspectives for Legal Practice*, REUTERS: COMMENT. (July 11, 2025, at 10:38 ET), <https://www.reuters.com/legal/legalindustry/artificial-intelligence-dispute-resolution-developments-challenges-perspectives-2025-07-11/>; Ryan Abbott & Brinson S. Elliott, *Putting the Artificial Intelligence in Alternative Dispute Resolution: How AI Rules Will Become ADR Rules*, 4 AMICUS CURIAE 685, 688-91 (2023). See generally Hibah Alessa, *The Role of Artificial Intelligence in Online Dispute Resolution: A Brief and Critical Overview*, 31 INFO. & COMM’NS TECH. L. 319, 321-22 (2022) (describing the new era of online dispute resolution); Michael J. Broyde & Yiyang Mei, *Don’t Kill the Baby! The Case for AI in Arbitration*, 21 N.Y.U. J. L. & BUS. 119 (2024) (providing an overview of the integration of AI into arbitration).

17. See Balkin, *supra* note 14, at 159 (arguing that the Trump presidency exemplified constitutional “rot” through erosion of democratic norms); Kim Lane Scheppele, *Autocratic Legalism*, 85 U. CHI. L. REV. 545, 548-51 (2018) (describing different prominent world leaders’ use of law to weaken checks and balances as an authoritarian tactic); LEVITSKY & ZIBLATT, *supra* note 1, at 65-67 (analyzing Trump’s norm-breaking as consistent with authoritarian strategies); David Frum, *How to Build an Autocracy*, THE ATLANTIC Mar. 2017, at 49, 56, <https://www.theatlantic.com/magazine/archive/2017/03/how-to-build-an-autocracy/513872/> (outlining the steps observed internationally when autocracies have previously been formed).

court and a representative for others. The challenge is before us, whether we will rise to answer is not yet known.

Scholars have long warned that legal education risks irrelevance if it fails to adapt to societal change.<sup>18</sup> This creates a problem for law faculty, who are by nature conservative in their approach to change, while politically often progressive in their desire for change in others. I have personally observed this phenomenon on multiple occasions and have always been struck by the dichotomy between what many members of a law faculty say, as opposed to what they actually do. This phenomenon, of course, is not limited to law faculties.

Rapid technological change is a type of societal change. Artificial Intelligence development is perhaps the most important societal change of the last fifty years. AI deployed and utilized improperly threatens the core responsibility of the legal academy—teaching law students to think like a well-reasoned lawyer. They must develop within themselves the ability to think critically about the law, the skill to persuasively apply the law in a variety of contexts, and an understanding of the impact of the law on society. Balancing all three goals has been the Holy Grail of Legal Education. The Carnegie Report famously critiqued law schools for overemphasizing analytic reasoning while failing to sufficiently develop practical skills and ethical identity formation.<sup>19</sup> The tension between doctrinal courses, analytical reasoning, and skills courses, applying the law on behalf of a client, has been the defining issue during my time as an academic. While that issue has been resolved successfully in most American Law Schools, the challenges of defining a broader mission remain in place.

Deborah Rhode, one of the greatest teachers of legal ethics in the 20th century, emphasized that law schools must embrace a broader mission to advance justice, noting that “[m]illions of Americans lack any access to the system, let alone equal access.”<sup>20</sup> These warnings now converge with new pressures: artificial intelligence, digital communication, and global instability, while recent events have driven home the fragility of what were once accepted norms of legal

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18. See generally A.B.A., LEGAL EDUCATION AND PROFESSIONAL DEVELOPMENT—AN EDUCATIONAL CONTINUUM 11 (1992) [hereinafter MacCrate Report] (asserting that the legal profession is a vastly changed profession in practice, services, area, settings, and methods); Harry T. Edwards, *The Growing Disjunction Between Legal Education and the Legal Profession*, 91 MICH. L. REV. 34, 34-36 (1992) (arguing that legal education has lost sight of the needs of the profession in its quest for academic relevance); ANTHONY T. KRONMAN, THE LOST LAWYER: FAILING IDEALS OF THE LEGAL PROFESSION 4-10 (1993) (critiquing the approach to legal education and its impact on the profession); WILLIAM M. SULLIVAN ET AL., EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW 3-5 (2007) [hereinafter Carnegie Report] (building off the earlier work of the MacCrate Report and continuing those arguments); Deborah L. Rhode, *Legal Education: Professional Interests and Public Values*, 34 IND. L. REV. 23, 26-28 (2000) (arguing for the purpose of legal education to change focus); BRIAN Z. TAMANAHA, FAILING LAW SCHOOLS 172-76 (2012) (excoriating the disconnect between law schools and the students they serve).

19. SULLIVAN ET AL., *supra* note 18, at 6 (explaining how focus on only one third of a proper legal education places the entire educational experience out of balance).

20. Deborah L. Rhode, *Access to Justice*, 69 FORDHAM L. REV. 1785, 1785 (2001) (estimating that four fifths of the civil legal needs of the poor are not being met).

behavior,<sup>21</sup> with this current political climate acting as a caustic agent against what have historically been accepted as norms by the rule of law. To whom should the Republic turn to answer this question of norms versus law? Law schools, without adopting any political ideology, are uniquely situated to deal with these challenges. The devil, of course, is in the details.

The access-to-justice gap is particularly alarming. When I became the Dean of Ohio Northern University Pettit College of Law (ONU), I was exposed to vast legal deserts stretching across the rural landscape. It has been a sobering experience, and we are dedicated to doing our part to bring water to the desert. According to the Legal Services Corporation's most recent Justice Gap Report, more than ninety percent of the civil legal problems faced by low-income Americans receive inadequate or no legal help.<sup>22</sup> The problem is not limited to urban centers. Rural America is "confronted with special problems that sometimes constrain their effectiveness such as lack of resources and isolation" with multiple counties sharing a single judge.<sup>23</sup> Our own state of Ohio continues to address the legal needs of Rural Ohio, with specific programs designed to support those areas and hopefully bring a new generation of lawyers into those communities. The crisis calls for legal institutions—and law schools most of all—to either rethink or recommit to their primary purpose.

All of this is happening during a time when technology offers new opportunities. Legal analytics, online dispute resolution, and AI-driven research tools have the potential to democratize access and improve efficiency; they can also create a series of legal technicians who know how to press the buttons but cannot critique the product. They also raise concerns about fairness, bias, and professional ethics. Scholars like Richard Susskind have argued that the profession must embrace these technologies to remain viable, while others caution that uncritical adoption may undermine the very values lawyers are sworn to uphold.<sup>24</sup> While I am not willing to agree with all of Susskind's propositions, I accept we cannot put the AI genie back into the bottle and must learn how to deal with AI within the confines of our duties and responsibilities to the client, the courts, opposing counsel, and society. Against this backdrop, an existential question arises: What is the role of a law school in preparing lawyers not only for a career but for a calling—one rooted in service to community, fidelity to the rule of law, and a commitment to justice for all? A return to our roots is in order.

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21. See Balkin, *supra* note 14, at 150-58 (arguing that constitutional democracy erodes when norms of restraint and respect collapse); LEVITSKY & ZIBLATT, *supra* note 1, at 102-17 (2018) (showing how democratic erosion often begins with the dismissal of long-standing norms of forbearance and mutual toleration); TOM GINSBURG & AZIZ Z. HUQ, HOW TO SAVE A CONSTITUTIONAL DEMOCRACY 39-43 (2018) (documenting the fragility of democratic institutions when unwritten norms are ignored).

22. *The Justice Gap: The Unmet Civil Legal Needs of Low-Income Americans*, <https://justicegap.lsc.gov/> (last visited Dec. 18, 2025) [hereinafter *The Justice Gap*] (this more recent report highlights how the justice gap identified by Rhode has only increased over time).

23. Hannah Alsgaard, *Rural Incentive Programs for Legal and Medical Professionals: A Comparative*, 59 S.D. L. REV. 585, 589 (2014).

24. RICHARD SUSSKIND, TOMORROW'S LAWYERS: AN INTRODUCTION TO YOUR FUTURE 27-32 (3d ed. 2023).

The law school of the 21st century must serve as a civic engine for democracy. No institution in American Society is better positioned to accomplish this goal, and the existential crisis confronting our profession demands it. To do this right, law schools must honor their historic commitments to legal excellence, ethical practice, and public service while simultaneously embracing innovation in pedagogy, technology, and community engagement. It is only by renewing this commitment that we can keep our promise to support and defend the Constitution of the United States.<sup>25</sup> Our commitment to the Rule of Law is embodied in the oaths we take and keep as members of the legal profession. The spirit of that oath must extend to the law school experience.

#### I. HONORING THE PAST: THE LEGACY OF THE AMERICAN LAW SCHOOL

From their inception, American law schools have been more than vocational training centers; they have served as civic institutions entrusted with shaping the legal profession and, by extension, the democratic order. This mission predates our fascination with doctrinal mastery and remains a core component of a proper legal education. The Langdellian case method, introduced in the late 19th century, gave legal education its identity as a discipline grounded in rigorous reasoning and doctrinal mastery.<sup>26</sup> Unfortunately, many law schools in the search for higher rankings have myopically focused on this approach, leaving to post-graduate employment the historic mission of training for the vocation. We can no longer afford continuing to focus solely on teaching students how to think like lawyers; they must be taught to act like them as well. The Langdell method cemented the lawyer's image as an intellectual craftsman, but the broader mission of law schools has always been dual: to form competent practitioners and to cultivate guardians of civic life.<sup>27</sup> It is past time we embrace the earlier mission of the legal education profession.

The pursuit of legal excellence and ethical practice has been a defining feature of the law school tradition. Early professional codes, such as the ABA's Canons of Professional Ethics (1908), reflected a recognition that the lawyer's role

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25. See *Program: Supreme Court of Ohio Bar Admissions Ceremony*, SUP. CT. OF OHIO: OFF. OF BAR ADMISSIONS 1 (May 12, 2025), <https://www.supremecourt.ohio.gov/docs/AttySvcs/admissions/admissionCeremony/materials/Program.pdf> (setting forth the official oath of office administered to newly admitted attorneys in Ohio); *Law Facts: Attorneys*, OHIO STATE BAR ASS'N (Apr. 28, 2018), <https://www.ohiobar.org/public-resources/commonly-asked-law-questions-results/law-facts/law-facts-about-attorneys/> (describing the qualifications of an Ohio Attorney); OHIO SUP. CT. GOV'T BAR R. 1, § 1(F) (requiring that applicants for admission take the oath of office as prescribed by the Supreme Court of Ohio).

26. Bruce A. Kimball, *The Proliferation of Case Method Teaching in American Law Schools: Mr. Langdell's Emblematic "Abomination," 1890-1915*, 46 HIST. EDUC. Q. 192, 193 (2006).

27. See generally MacCrate Report, *supra* note 18, at 7-8 (emphasizing professional skills and ethical responsibility as central to legal education and arguing law schools must integrate cognitive, practical, and ethical-social apprenticeships); KRONMAN, *supra* note 18, at 14-15 (describing the ideal of the lawyer-statesman as a civic steward); Rhode, *supra* note 18 (critiquing law schools for neglecting their civic mission); Edwards, *supra* note 18, at 42-45 (calling for balance between producing competent practitioners and socially responsible lawyers).

required not only technical skill, but also moral responsibility.<sup>28</sup> Ethics rules are designed to create the floor of your ethical house, not the entire building. It is through the formation of their individual professional identity that each member of the bar builds their entire ethical house. Everyone's ethical home exists within the broader societal conception of how the system works and what it means to be a part of it. This legacy must be made to fit in the digital era where lawyers confront algorithmic decision-making, systemic bias embedded in data, and the ethical implications of artificial intelligence. The decision to reduce the amount of civics education required during the first twelve years of education in the United States has made it difficult for attorneys to create an ethical house strong enough to withstand the winds of change blowing across the nation. Each of these topics deserve scholarly treatment far beyond the boundaries of this Article, but they serve as the backdrop for potential solutions.

Attorneys have the ability to argue for changes in the law, and law schools have trained advocates and reformers whose impact transcended the courtroom. American trained attorneys have argued landmark cases—including *Brown v. Board of Education*—and drafted legislation that reshaped American life.<sup>29</sup> If the 20th century called for advocates of civil rights in brick-and-mortar courtrooms, the 21st demands advocates capable of litigating in virtual courts, navigating transnational regulatory regimes, and defining and defending civil liberties in those digital spaces. We must modify our curriculum to include teaching the history of our profession, the good, the bad, and the occasionally very ugly. If we do so against the backdrop of our profession's ethical responsibilities, we can ensure we give them an understanding of what fidelity to the rule of law means, making it more than a slogan and removing politics from the process.

The commitment to public service through clinical and experiential education has transformed legal pedagogy since the 1960s. Pioneers like Gary Bellow and Jeanne Charn insisted that law schools must not only teach doctrine, but also place students in service to marginalized clients, embedding justice into the curriculum.<sup>30</sup> This commitment to quality skills education has expanded in recent decades to include simulated experiential learning in moot court, mock trial, and alternative dispute resolution competitions. The work of Professor Eleazer at Stetson University School of Law, Professor Eddie Ohlbaum at Temple University School of Law, with the assistance of many others, developed simulated advocacy competitions during the 1990s that remain illustrative examples of how experiential educational opportunities continue to grow and expand. Instruction in these modalities focusing on ethical conduct remain essential, but we need to develop new delivery models: mobile legal clinics in rural legal deserts, hybrid externships in underserved communities, and virtual platforms for legal aid and legal education.

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28. A.B.A. CANNONS OF PROF. ETHICS Canon 15 (1908).

29. MARK TUSHNET, *THE NAACP'S LEGAL STRATEGY AGAINST SEGREGATED EDUCATION, 1925-1950*, xi, 138-44 (1987).

30. See Elaine McArdle, *Keeping It Real*, HARVARD LAW TODAY (Dec. 14, 2023), <https://hls.harvard.edu/today/keeping-it-real/>.

Law schools have long sought to cultivate independent and civically responsible legal thought. Anthony Kronman described the lawyer as a “person of practical wisdom” whose value lies not merely in technical expertise but in judgment rooted in civic virtue.<sup>31</sup> Unfortunately, the commoditization of higher education, with a focus on clearly defined returns on investment, makes it more difficult to teach the foundations of civic virtue. Many of the courses historically relied upon by law schools to inculcate a sense of civic duty in students during college have fallen prey to treating undergraduate education like a commodity designed to create a specific job opportunity. It begs the question, what happens to legal education built on a history of philosophy, political science, and history when such programs no longer can be found on many of today’s college campuses? Today, cultivating such wisdom demands grappling with disinformation, democratic backsliding, and the fragility of institutional trust. The challenges faced by professors and administrators in dealing with this onslaught are enough to make you check your retirement balance and look for the door. Fortunately, most of us are too stubborn, or too poor, to not take up this challenge.

A law school’s legacy is not a static inheritance, but a living mandate. The values of excellence, advocacy, service, and civic judgment remain the bedrock of legal education, but each demands reinterpretation for an age defined by technological disruption, inequality, and democratic fragility. While the struggle is eternal, the battlefield changes for each generation. Today’s argument over doctrinal or skills education will be transformed by the challenges of tomorrow. All of this is happening against a backdrop of a rising tide of misinformation and distrust, making it imperative that we return to the foundations of American legal education before they are washed away, and with it, the foundations for our democratic republic.

## II. THE MODERN MANDATE: LEGAL EDUCATION IN A TECHNOLOGICAL ERA

The historic mission of law schools, to form ethical advocates and civic leaders, is colliding with the realities of technological disruption. The legal profession is moving quickly to embed AI across multiple platforms, and we are fast approaching the point where failure to provide instruction in AI during law school would be the academic equivalent of malpractice. The question is not whether these tools should be integrated, but how? Law schools must integrate these new tools while also ensuring that their use serves fundamental values: access to justice, fairness, due process, and the formation of professional identity. Using these touchstones can help us properly guide the adoption of AI so that it does not destroy the value of a legal education, but instead enhances it.

Artificial intelligence and predictive analytics promise efficiency, but they also risk embedding bias and obscuring accountability in opaque decision-making

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31. KRONMAN, *supra* note 18, at 16-17 (arguing that such civic virtue is in ways more important than technical expertise).

systems.<sup>32</sup> The very real concern exists that law students will rely upon the AI for critical legal reasoning, losing the ability to access how well the AI is performing the task. The current crop of practicing attorneys developed their skills knowledge without the influence of AI, and they are in a good position to access the credibility of AI products; the next generation will not be able to do so, if it does not develop critical reasoning structures and paradigms separate from AI engagement. Virtual courtrooms and online dispute resolution platforms expand access for some litigants while excluding those without broadband or digital literacy, raising questions about the very meaning of equal justice under law.<sup>33</sup> Document automation and algorithmic research tools may streamline practice but can reduce lawyering to mechanical efficiency, eroding the role of judgment, empathy, and civic stewardship that has traditionally defined the profession.<sup>34</sup> Our profession is in danger of becoming a technician that cannot critically assess a legal issue with the assistance of their AI “brain.”

For law schools, these developments demand more than curricular add-ons or elective courses in “law and technology.” They require a wholesale rethinking of how professional identity is taught and formed. How should tomorrow’s lawyers be trained to challenge algorithmic bias, to preserve procedural fairness in virtual hearings, or to safeguard client confidences in a world of ubiquitous data capture? Many of the lessons necessary to properly use AI tools can be found in the historical inquiry of what it means to be an attorney. That sense of your legal identity created through years of practice must be turbocharged during the educational process. Failure to do so will result in the adoption of tools the student does not understand and cannot judge. If law schools embrace technological change uncritically, they risk producing graduates who are skilled technicians but ill-prepared to act as guardians of democratic institutions. Conversely, if they resist innovation, they risk irrelevance in a profession already being reshaped by technological forces outside the academy’s control.<sup>35</sup> Navigating this tension—between the lure of efficiency and the demands of justice—may be the central pedagogical and ethical challenge of legal education in the 21st century.

In many ways, this is the same challenge on a technological level faced when personal computers became ubiquitous. The primary difference now is that misinformation and bias are everywhere, and the ability to differentiate must reside in the mind of the student, not in the algorithm of the AI tool. That was much easier

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32. See SUSSKIND, *supra* note 24, at 64-65 (describing the efficiency potential of machine prediction and document analysis); REBECCA L. SANDEFUR, LEGAL TECH FOR NONLAWYERS: REPORT OF THE EXPERT CONVENING 6-9 (2019), [https://www.americanbarfoundation.org/wp-content/uploads/2023/04/report\\_us\\_digital\\_legal\\_tech\\_for\\_nonlawyers.pdf](https://www.americanbarfoundation.org/wp-content/uploads/2023/04/report_us_digital_legal_tech_for_nonlawyers.pdf) (warning of a two-tiered justice system created by algorithmic tools).

33. See Alicia Bannon & Janna Adelstein, *The Impact of Video Proceedings on Fairness and Access to Justice*, BRENNAN CTR. FOR JUST. 6 (Sep. 10, 2020), <https://www.brennancenter.org/media/6631/download/The%20Impact%20of%20Video%20Proceedings%20on%20Fairness%20and%20Access%20to%20Justice%20in%20Court.pdf?inline=1>.

34. KRONMAN, *supra* note 18, at 109, 128-34 (arguing that lawyering involves judgment, civic responsibility, and stewardship beyond technical skill).

35. See Rhode, *supra* note 18, at 27 (criticizing law schools suggesting that current educational structure leaves students both underprepared and overprepared to meet societal needs).

to do when computers were first introduced; it is now a much more complex problem. If we get it right, we can improve the services provided to clients; if we get it wrong, we may lose control of what it means to be a lawyer. When the machines define our profession, it changes in a way that will make it unrecognizable to future generations.

A. *Technology and Access to Justice*

Artificial intelligence and digital platforms offer opportunities to expand access to legal services by lowering costs, increasing efficiency, and simplifying complex processes.<sup>36</sup> Online legal tools can assist with document preparation, triage intake systems, and even dispute resolution. Yet scholars warn that these innovations may create a two-tiered justice system in which disadvantaged populations do not receive access to digital tools and necessary resources, while wealthier clients continue to benefit from robust human advocacy.<sup>37</sup> This danger is greater in legal deserts, both urban and rural. Conversely, AI properly deployed can level the playing field for litigants with fewer financial resources or access to historical justice. Law schools must identify which tools democratize access to justice and double down on teaching and deploying them.

Students and attorneys must first develop their own knowledge outside of AI to develop the ability to write prompts of sufficient clarity and purpose that harness the AI to produce valid information. We know that algorithmic tools often replicate the biases embedded in their training data, risking the reinforcement of structural inequities. We are currently seeing this occur in law school assignments. When students turn to AI to create a paper, they do not have the requisite knowledge to identify and correct biases inherent in the AI. This promulgates the bias, reinforcing AI's inappropriate output. At a fundamental level, the ability to write cogent questions that properly engage AI is analogous to Boolean searches in an early age. The law students who master this discrete skill will immediately have an advantage in the workplace.

The law schools' challenge when initially introducing law students to legal AI platforms is to train students not only to use such tools, but also to critique their output. Future lawyers must be able to ask: Does this innovation expand or constrict access? Does it democratize legal help or stratify it? Without the attendant education and understanding developed through traditional methods, the student will not be able to determine if the AI is spot on or completely out to lunch. The risks are too great when dealing with the lives of others. Inculcating technological literacy with a justice orientation ensures that lawyers of the future serve as guardians rather than passive consumers of new systems. Passive consumers will quickly develop the dreaded "garbage in, garbage out" results that critics of AI fear. If we substitute the judgment of the attorney with AI output consistently, it is not only possible, but probable, that we run the risk of losing our autonomy as professionals.

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36. SUSSKIND, *supra* note 24, at 42-45 (arguing for the benefits of AI integration).

37. SANDEFUR, *supra* note 32, at 11.

B. *Technology and Due Process*

Technological change implicates the core value of due process. When the COVID-19 pandemic accelerated the adoption of remote hearings and online courts, concerns about due process began to proliferate. Earlier studies suggest that digital proceedings can reduce barriers of geography, cost, and time, thereby improving participation for many litigants,<sup>38</sup> but these same innovations risk excluding those without reliable broadband or digital literacy, raising serious concerns about procedural fairness.<sup>39</sup> Additionally, online hearings may diminish the effectiveness of cross-examination, weaken perceptions of judicial authority, and reduce public confidence in outcomes.<sup>40</sup> We must consider these developments in light of the constitutional guarantees of trial by jury in both civil and criminal cases. Law schools must include instruction about the historical development of the right to trial by jury so that the attorneys of tomorrow understand what is at stake if we surrender those rights in the name of efficiency and ease of use. Despite these dangers, a rapid shift for online hearings is occurring in courtrooms across the country.

This raises profound constitutional concerns, particularly with respect to due process, equal protection, and the public trial guarantee. While virtual proceedings can reduce barriers of geography and cost, they risk undermining the very procedural safeguards that the Constitution demands. These procedural safeguards serve as guardrails for the Republic and must be taught and protected through law school instruction. Scholars note that digital hearings can impair litigants' ability to meaningfully confront witnesses, present evidence, or engage with judges—all core elements of procedural due process under the Fourteenth Amendment.<sup>41</sup> Empirical studies show that criminal defendants appearing by video are more likely to receive harsher bail terms and sentences, suggesting that the format itself alters judicial perception in ways that may violate the principle of individualized justice.<sup>42</sup>

Access disparities further implicate equal protection: litigants without broadband access, digital literacy, or private space for confidential consultation with counsel may be effectively excluded from meaningful participation.<sup>43</sup> The guarantee of overall fairness in court proceedings is also strained by online platforms that limit community access, curtail attorney-client communications, or

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38. See J.J. Prescott, *Improving Access to Justice in State Courts with Platform Technology*, 70 VAND. L. REV. 1993, 2017 (2017).

39. See Alicia Bannon & Janna Adelstein, *The Impact of Video Proceedings on Fairness and Access to Justice*, BRENNAN CTR. FOR JUST. 10 (Sep. 10, 2020), <https://www.brennancenter.org/media/6631/download/The%20Impact%20of%20Video%20Proceedings%20on%20Fairness%20and%20Access%20to%20Justice%20in%20Court.pdf?inline=1>.

40. See *id.* at 6-7.

41. Ingrid V. Eagly, *Remote Adjudication in Immigration*, 109 NW. U. L. REV. 933, 959-61 (2015) (finding that video-teleconference hearings correlate with worse outcomes for immigrant respondents); Shari Seidman Diamond et al., *Efficiency and Cost: The Impact of Videoconferenced Hearings on Bail Decisions*, 100 J. CRIM. L. & CRIMINOLOGY 869, 869 (2010).

42. See *id.*

43. Bannon & Adelstein, *supra* note 39, at 10.

impose technological filters on proceedings.<sup>44</sup> The legitimacy of courts depends not only on efficiency, but on their perceived fairness, and virtual proceedings risk eroding public trust when they diminish transparency and equity.<sup>45</sup> Thus, while online courts may expand access for some, they simultaneously create new constitutional vulnerabilities that law schools, courts, and policymakers must confront with urgency.

### C. *Technology and Professional Identity*

Perhaps the most profound challenge is to professional identity itself. The lawyer has long been conceived not merely as a technician but as a counselor and civic steward.<sup>46</sup> Yet the rise of automation threatens to reduce lawyering to transactional efficiency, obscuring the relational and ethical dimensions of practice. If legal advice is increasingly commodified through chatbots, predictive analytics, or document automation, what becomes of the lawyer's role as moral counselor and guardian of the rule of law? To understand how to proceed we must expose law students to deep existential questions, such as: where does law derive its validity from? Is it moral to follow an immoral law? Wrestling with the jurisprudential underpinnings of the law is not possible of the student does not understand how it works.

Anthony Kronman warned three decades ago that law schools risk contributing to the loss of prestige of practical wisdom rather than producing lawyer-statesmen capable of civic leadership.<sup>47</sup> That risk is even greater today. If law schools focus only on doctrinal mastery while outsourcing judgment to machines, they abdicate their role in shaping professional identity. We run the danger of creating a situation where doctrinal mastery becomes subordinate to AI proficiency. Instead, schools must teach students to integrate technological fluency with the virtues of judgment, empathy, and civic responsibility. Courses on legal design, data governance, and algorithmic accountability should be framed not as electives, but as part of the core formation of professional identity.

### D. *The Law School's Mandate*

The modern mandate of legal education is thus twofold: to embrace technological innovation while resisting its reduction of law to mere efficiency. Richard Susskind argues that the future of the profession depends on its willingness to adopt new technologies.<sup>48</sup> Deborah Rhode counters that law schools must simultaneously attend to law's public mission, warning of irrelevance if they

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44. *Id.* (discussing limitations on public access to online courtrooms and disparities grounded in income inequality).

45. *Id.*; see also Anne Wallace & Jane Goodman-Delahunty, *Measuring Trust and Confidence in Courts*, 12 INT'L J. FOR COURT ADMIN. 3 (2021) (discussing how transparency, legitimacy, and fairness in court procedures underpin public confidence in the judiciary).

46. KRONMAN, *supra* note 18, at 109.

47. *Id.* at 109, 165.

48. SUSSKIND, *supra* note 24, at 23-35.

fail to adapt.<sup>49</sup> Both of these viewpoints must be blended to accomplish pedagogical goals in a 21st century law school. These insights converge: the survival of the legal profession and the vitality of democracy both depend on law schools training lawyers who can navigate a digital legal environment without surrendering law's civic values. The challenge is to create within law students an understanding of civic duties and responsibilities. These have not historically been considered law-related subjects, but they are foundational and must be taught somewhere. Law schools can do their part to develop an understanding of core civic values and virtues through normal instruction. We must focus on developing curriculum that is more holistic to meet this need.

### III. ACCESS TO JUSTICE: A DUAL COMMITMENT TO RURAL AND URBAN COMMUNITIES

The defining moral challenge of American law is the justice gap: the millions of people for whom the promise of law is little more than an abstraction. The crisis is here and growing. Eighty-two of the eighty-eight counties in the state of Ohio are currently legal deserts where you cannot find sufficient attorneys to service the community.<sup>50</sup> The same situation exists in other states across the country.<sup>51</sup> When entire communities are unable to participate meaningfully in the legal system, the rule of law fractures, and faith in democratic governance erodes. At the same time, a generation of baby boomer lawyers are retiring at an ever-expanding rate. Law schools cannot relegate this crisis to clinics or pro bono electives; they must place access to justice at the center of their mission. Justice initiatives are beginning to pick up speed, with innovation and commitment working to bring legal services where people need them. It will be an ever-expanding mission.

#### A. *The Justice Gap*

The scale of unmet legal need is staggering. According to the Legal Services Corporation, ninety-two percent of the civil legal problems faced by low-income Americans receive inadequate or no legal help.<sup>52</sup> This is not a matter of scarce resources, but of shifting demographics amongst graduating law students.<sup>53</sup> The

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49. See Rhode, *supra* note 18, at 23, 26-27 (arguing that unless law schools broaden their focus beyond professional self-interest to serve law's public purposes, they risk losing relevance to both the profession and society).

50. *Ohio Bar Warns of Legal Service Crisis in Rural Communities, Urges Action*, OHIO BAR (Mar. 12, 2025), <https://www.ohiobar.org/about-us/media-center/osba-news/2025-releases/ohio-bar-warns-of-legal-service-crisis-in-rural-communities-urges-action/>.

51. Michelle Paxton, *Preventing Legal Deserts in Our Rural Communities*, A.B.A. (Nov. 14, 2023), <https://www.americanbar.org/groups/litigation/resources/newsletters/childrens-rights/fall2023-preventing-legal-deserts-in-our-rural-communities/>.

52. *The Justice Gap*, *supra* note 22.

53. See COMMITTEE ON LEGAL EDUCATION AND ADMISSION REFORM (CLEAR), REPORT AND RECOMMENDATIONS 12 (2025), [https://www.ncsc.org/sites/default/files/media/document/CLEAR\\_Report.pdf](https://www.ncsc.org/sites/default/files/media/document/CLEAR_Report.pdf) (describing the rural deserts and the reasons for them).

pull of the large metropolitan areas is stronger than ever.<sup>54</sup> ONU Law is one of the few law schools left in rural America, and even our students are seduced by the possibility of large city opportunities. When baby boomer attorneys in rural counties retire, there is often no one waiting to step into their shoes.<sup>55</sup> At the same time, many individuals in these communities with justiciable problems do not even recognize them as “legal,”<sup>56</sup> leaving them effectively disenfranchised from the system of rights and remedies on which democracy depends. This has very real and practical consequences for the successful functioning of local government. Without intervention, the constitutional promise of “equal protection of the laws” risks becoming hollow rhetoric, as empty as the once thriving small towns of America.

### B. *Rural Justice Innovation*

The crisis is particularly acute in rural America. Entire counties exist in isolation, lacking adequate legal resources with multiple counties sharing a single judge.<sup>57</sup> Geographic isolation, economic decline, and weak infrastructure compound the difficulty of accessing legal services. Without meaningful representation, rural residents face structural exclusion from the legal system, undermining not only individual rights, but the legitimacy of the courts themselves.

Some states have attempted reforms. Programs such as South Dakota’s Project Rural Practice provide financial incentives for lawyers to establish practices in underserved areas.<sup>58</sup> Law schools can build on these models by creating Rural Justice Fellowships, establishing satellite clinical hubs in county courthouses or libraries, and leveraging technology-enabled externships that allow students and faculty to support rural clients remotely. These initiatives expand representation while also cultivating in students a professional identity rooted in civic obligation. Law schools should lobby state legislators to pass legislation supporting the delivery of legal services to rural areas and work with local governments to assist in filling the gap.

### C. *Urban Legal Innovation*

Urban communities, while saturated with legal problems, face a different set of structural barriers. Housing courts are flooded with unrepresented tenants, immigration dockets operate at breakneck speed, and reentry programs struggle against the collateral consequences of criminal convictions.<sup>59</sup> In each instance, the

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54. *Id.* at 100.

55. *Id.* at 108.

56. Rebecca L. Sandefur, *Accessing Justice in the Contemporary USA: Findings from the Community Needs and Services Study*, AM. BAR FOUND. 3 (Aug. 8, 2014), [https://www.americanbarfoundation.org/wp-content/uploads/2023/04/sandefur\\_accessing\\_justice\\_in\\_the\\_contemporary\\_usa\\_aug\\_2014.pdf](https://www.americanbarfoundation.org/wp-content/uploads/2023/04/sandefur_accessing_justice_in_the_contemporary_usa_aug_2014.pdf).

57. Alsgaard, *supra* note 23, at 589.

58. *Id.* at 585.

59. See Russell Engler, *Connecting Self-Representation to Civil Gideon: What Existing Data Reveal About When Counsel Is Most Needed*, 37 *FORDHAM URB. L. J.* 37, 51 (2010) (“Thus, Barbra

absence of representation transforms proceedings into sites of exclusion, rather than participation.

Law schools can play a transformative role by embedding students in these high-volume systems. Housing court practicums allow students to provide immediate advocacy in eviction cases. Immigration clinics offer representation in asylum and deportation proceedings where counsel is often absent. Reentry partnerships enable students to help returning citizens navigate barriers to employment, housing, and civic reintegration. Technology may supplement these efforts—through online intake tools, automated document preparation, and digital resource platforms—but cannot substitute for human judgment and advocacy.<sup>60</sup>

#### D. *The Law School's Civic Mandate*

The justice gap is not peripheral to the mission of legal education; it is a crucible of need and a mirror that can be used to examine where the rule of law works and what happens in its absence. We are quickly learning that a society in which vast numbers of people lack meaningful access to counsel cannot credibly claim to be governed by the rule of law. By prioritizing access in both rural deserts and urban dockets, law schools position themselves as engines of democratic inclusion, producing graduates who see their role not merely as service providers, but as civic stewards responsible for sustaining legal order in a divided society.

### IV. THE RULE OF LAW: ANCHOR OF A DEMOCRATIC SOCIETY

The rule of law is not self-executing. It depends not only on the existence of legal rules, but also on a culture of fidelity to legality. The “inner morality of law” rests on eight principles—generality, publicity, prospectivity, clarity, consistency, feasibility, stability, and congruence—without which legal systems degenerate into arbitrary commands.<sup>61</sup> These eight principles can be arranged, or emphasized in various ways, depending upon the mission of the law school. The law’s legitimacy depends on its capacity to guide conduct in predictable and accessible

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Bezdek refers to the Baltimore Rent Court’s systematic bias in favor of landlords, while Paris Baldacci describes New York City Housing Court as ‘a largely one-sided eviction apparatus’ in which pro se litigants are systematically silenced by the court system.”); *see also* HOLLY STRAUT-EPSTEINER, CONG. RSCH. SERV., R47077, U.S. IMMIGRATION COURTS AND THE PENDING CASES BACKLOG 22 (2022) (describing the speed at which immigration courts work and the immense backlog present in some jurisdictions); Carly Sommers et al., *Reentry: Challenges, Collateral Consequences, and Advocacy for Returning Community Members*, in HANDBOOK OF FORENSIC SOCIAL WORK: THEORY, POLICY, AND FIELDS OF PRACTICE 357 (David A. McLeod et al. eds., 2024) (outlining the way in which reentry issues for convicted felons remains a significant problem nationwide).

60. *See* SANDEFUR, *supra* note 32, at 16 (“Most tools do not offer diagnosis of the legal aspects of people’s problems, suggest possible routes of action, or provide other services that would help move a problem toward resolution.”); *see also* Prescott, *supra* note 38, at 2015-17 (discussing the benefits and limits of online dispute resolution platforms).

61. LON L. FULLER, *THE MORALITY OF LAW* 38-39 (rev. ed. 1969).

ways.<sup>62</sup> More recently, scholars have warned that “autocratic legalism” allows leaders to weaponize legal forms while hollowing out their substance, showing that the formality of legality can coexist with authoritarian practice.<sup>63</sup>

Taken together, these theories underscore that the rule of law is not merely a structural feature of government, but a fragile cultural practice vulnerable to erosion. Law schools must provide their students with the opportunity to wrestle with the existential question of authority underpinning law’s existence. Why should we follow the law? What makes law binding? Is there a source of validity for the law, or do we live in a might-makes-right world? These questions have been argued by advocates and philosophers since recorded time. Understanding the basis for those arguments, and empowering students to decide what they believe, is a critical component of a 21st century legal education. This type of educational experience once occurred in arts and sciences programs across the United States. Today, those experiences have been truncated or removed in the search for return on investment questions by family members paying the ever-increasing costs of a college education. This phenomenon does not lessen the need for understanding such issues, particularly for those of us serving in the legal profession.

For law schools, these insights mean that legal education must go beyond doctrinal mastery. Lawyers must be trained to see law as a normative practice, embodying procedural values and civic commitments, rather than mere technical tools. Comparative constitutional experience demonstrates the stakes: democratic backsliding in Hungary and Poland illustrates how leaders can maintain the outward trappings of legality while undermining judicial independence and the rule of law,<sup>64</sup> while South Africa’s post-apartheid constitutional project shows how legal education and civic commitment can help entrench a culture of legality.<sup>65</sup> American law schools must include within their curriculum and student experiences the space to address these existential questions, to wrestle with them academically, without suggesting to the students a particular “correct” answer. We must focus on teaching them how to think, not what to think. Students exposed only to doctrine risk treating law as a closed system, whereas students who study law in context learn that the rule of law is contingent and requires active defense. Our institutions exist in a time where the foundation of these concepts is up for debate. It is our responsibility to prepare students who will be able to engage in that conversation effectively and ethically.

If publicity is a precondition of legality, law schools must serve as public educators, demystifying law for both lawyers and laypeople. Civic literacy seminars, public “law in action” events, and interdisciplinary partnerships all

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62. JOSEPH RAZ, *The Rule of Law and Its Virtue*, in *THE AUTHORITY OF LAW: ESSAYS ON LAW AND MORALITY* 210, 213-14 (1979).

63. Scheppele, *supra* note 17, at 547-48.

64. Laurent Pech & Kim Lane Scheppele, *Illiberalism Within: Rule of Law Backsliding in the EU*, 19 *CAMBRIDGE Y.B. EUR. LEGAL STUD.* 3, 10-12 (2017).

65. See Theunis Roux, *Transformative Constitutionalism and the Best Interpretation of the South African Constitution: Distinction Without a Difference?*, 20 *STELLENBOSCH L. REV.* 258, 261-64 (2009) (as Roux explains, the Constitution marked a decisive break from formalist traditions, calling on lawyers and judges to adopt interpretive methods aligned with democracy, equality, and social transformation).

reflect this obligation. If accessibility and predictability are essential virtues, then clinics and experiential programs become sites where students learn how fragile those virtues can be in practice—for example, when self-represented tenants navigate eviction dockets without guidance. And if legality can be hollowed out by formal compliance masking substantive erosion, then law schools must instill in students a professional identity that includes vigilance against authoritarian drift.

A. *The Lawyer's Role as Civic Steward*

Ultimately, the health of the rule of law depends on the professional identities of lawyers themselves. Anthony Kronman described the lawyer as a “lawyer-statesman,” a figure whose responsibility extends beyond the representation of private clients to the stewardship of public values.<sup>66</sup> His description harkens back to an earlier age, and the foundation of our profession in a nascent republic. In the 21st century, this stewardship includes defending institutions against disinformation, resisting efforts to delegitimize the judiciary, and ensuring that technological change does not eclipse procedural fairness. Law schools must therefore teach students that professional identity is inseparable from civic duty. If law is to remain an anchor of democracy, lawyers must be trained as its guardians, not merely its operators. When you consider that the foundations of our civic duties coincide with our responsibilities as members of the bar, the need becomes self-evident.

V. STRATEGIC VISION: A LAW SCHOOL FOR THE NEXT HUNDRED YEARS

If the rule of law depends on both institutional structures and civic culture, then the law school must be imagined not only as a professional training ground, but as a democratic institution in its own right. The rule of law is sustained only when institutions nurture “habits of legality,” shaping behavior and expectation across generations.<sup>67</sup> For law schools, this means that their future viability depends on reinterpreting their traditional mission—doctrinal training, advocacy, and ethical formation—in ways that respond to technological change, social fragmentation, and declining public trust in institutions.

Fuller’s insistence on publicity as a condition of legality underscores that institutions must be visible and accessible if they are to retain legitimacy.<sup>68</sup> By analogy, law schools must embrace a dual campus model: both physical and digital. Consider the effect of each model:

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66. KRONMAN, *supra* note 18, at 12.

67. See FRANCIS A. ALLEN, *THE HABITS OF LEGALITY: CRIMINAL JUSTICE AND THE RULE OF LAW* 27-56 (1996) (emphasizing that legal institutions must cultivate enduring dispositions of respect for lawful authority and procedural fairness, rather than rely solely on formal rules or coercive power).

68. See FULLER, *supra* note 61, at 51.

- The physical campus anchors tradition, community, and professional identity.
- The digital campus expands reach through hybrid J.D. programs, modular LL.M. offerings, and continuing legal education for alumni and the public.
- A hybrid model enables lifelong engagement with legal education, reflecting that law, like democracy itself, is a continuous practice, rather than a finite credential.

If we adopt this approach, we create a relationship between the student and the school which transcends the educational experience and lasts for the arc of their professional life. Legal education must break from its one-size-fits-all, three-year model to remain relevant, and we must stress the importance of flexible pathways that meet diverse professional and civic needs.<sup>69</sup> AI will accelerate changes to the historical model, and potential changes to the accrediting agency for law schools will force the process to proceed at warp speed.

#### A. *Cross-Disciplinary and Public-Facing Engagement*

Rules must be intelligible in the context of citizens' broader social and economic lives.<sup>70</sup> Law schools must resist siloing themselves and instead engage deeply across disciplines. This is difficult to accomplish while also focusing on the core mission of the institution. There are, however, certain approaches which have merit. They include:

- Legal-tech accelerators and public-interest innovation labs fostering collaboration between law, computer science, and business.
- Interdisciplinary centers connecting law to environmental science, public health, and AI ethics preparing graduates to address society's most pressing challenges.
- Public-facing institutes on voting rights, rural development, or indigenous governance extending the law school's mission beyond the bar exam to the civic life of communities.

Law schools have long functioned as institutional builders, producing not just lawyers, but frameworks for governance and civic life.<sup>71</sup> This portion of our historical mission must be reinvigorated to meet the demands of society. A strategic vision that embraces interdisciplinarity restores this role in contemporary form while allowing it to evolve organically.

#### B. *Lifelong Professional Development*

Warnings about "autocratic legalism" highlights how quickly civic cultures can deteriorate when professional guardians of legality are absent or disengaged.<sup>72</sup>

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69. See William D. Henderson, *A Blueprint for Change*, 40 PEPP. L. REV. 461, 462-63 (2013).

70. See generally RAZ, *supra* note 62, at 214 (explaining that rule of law principles depend on their importance of particular circumstances of different societies, but an important one to mention is that all laws should be prospective, open, and clear).

71. Susan Sturm, Comment, *Law Schools, Leadership, and Change*, 127 HARV. L. REV. F. 49, 49 (2013).

72. See Scheppelle, *supra* note 17, at 548-53.

For law schools, this underscores the need to foster lifelong professional identity formation. Training cannot end at graduation; it must be a sustained process. Law schools must shift their focus, training lawyers for a life at the bar. We should focus on a relationship existing from student, to practicing attorney, to retired attorney. Ways to accomplish this include:

- Ongoing CLEs on emergent issues (e.g., AI ethics, blockchain regulation, climate law) ensure that alumni remain engaged with evolving legal frontiers.
- Mentorship and fellowship programs connect graduates across generations, embedding civic and professional norms.
- Professional identity curricula within the J.D. program frame lawyering as stewardship of the rule of law, rather than merely client service.

Professional formation must be understood as a core outcome of legal education, not a secondary benefit.<sup>73</sup> This approach has the added benefit of exposing law students and professors to the grounding principles of civilization. We cannot be attorneys without understanding the historical and philosophical thought serving as the foundation for an adversarial system of justice. By investing in the civic and ethical development of alumni throughout their careers, law schools reinforce the cultural continuity that sustains the rule of law.

#### CONCLUSION: TOWARD A RENEWED SOCIAL COMPACT

The rule of law is a fragile achievement, never guaranteed and always vulnerable to erosion. It is a tree that must be watered, not with the blood of patriots, but with the ink of lawyer-statesmen dedicated to the preservation of a democratic republic. Legal systems collapse into arbitrariness when they abandon the principles that give law its integrity—publicity, generality, and fidelity to declared rules.<sup>74</sup> “Constitutional rot,” occurs where institutions may formally persist, but the cultural norms sustaining them—mutual trust, respect for legality, and civic responsibility—decay beneath the surface.<sup>75</sup> Democracies often die not through coups, but through the steady abandonment of unwritten norms of restraint and forbearance.<sup>76</sup> Taken together, these insights remind us that law schools are not merely educational institutions; they are civic anchors whose mission is inseparable from the health of democratic society.

In this moment of technological upheaval, social fragmentation, and declining public trust, law schools face a stark choice. They can retreat into narrow vocationalism, producing competent technicians who are skilled in doctrine but detached from law’s civic purpose. Or they can embrace a broader mission: to train ethical advocates and civic leaders who can harness innovation without surrendering core values of access, fairness, due process, and professional stewardship. The former path risks irrelevance in a changing profession and

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73. Sturm, *supra* note 71, at 50-51.

74. See FULLER, *supra* note 61, at 38-41.

75. See Balkin, *supra* note 14, at 150-53.

76. LEVITSKY & ZIBLATT, *supra* note 1, at 8.

complicity in democratic decline; the latter path renews the social compact between legal education and society. This renewed compact rests on three commitments:

1. Honor the Legacy. Law schools must preserve their historic commitments to doctrinal rigor, advocacy, ethical practice, and public service.
2. Embrace the Future. They must integrate technology, interdisciplinarity, and hybrid pedagogy to prepare lawyers for emerging challenges.
3. Deliver Justice Everywhere. They must treat the justice gap not as a marginal concern, but as a democratic crisis, embedding service to both rural deserts and urban dockets into the fabric of legal education.

By fulfilling these commitments, law schools become more than credentialing institutions. They become custodians of the rule of law itself— institutions that renew democratic trust, cultivate guardians of civic life, and ensure that law remains an anchor of justice in a divided and digital age. To neglect this mission is to concede democracy's decline. To embrace it is to ensure that the next century of legal education will not only produce lawyers, but safeguard the conditions of democratic freedom itself.