

Law Schools' Lost Opportunity

By Mark A. Cohen 09 July 2019 Forbes.com

Law schools have ceded an opportunity to shore up their balance sheets and to do right by grads, the legal industry, and the broader society. How? They have failed to transition from three-year degree stopovers to learning centers for life that upskill grads and other professionals throughout their careers. . In the digital age where competency, micro-credentialing, collaboration, upskilling, people-skills, and agile learning are critical, law schools are relics of the legal guild. Why?

There are a legion of explanations: complacency, detachment from the University—notably the business, engineering, computer science, and mathematics schools-- as well as the broader legal ecosystem and business community, faculty composition/hiring criteria, the American Bar Association's ineffective law school accreditation oversight, and absence of accountability and performance metrics—especially student outcomes, and self-regulation. Law schools are an island that has become increasingly detached from the broader legal mainland.

The inertia of law schools, like law firms, went unchallenged for decades. Their applicant pool was plentiful, the job market was robust, the curricula were unchanged and unchallenged, and they were cash positive. That rosy picture fueled the growth and proliferation of law schools from the 1980's until the global financial crisis of 2008. The confluence of that economic maelstrom and its aftermath coincided with rapid advances in technology, the ever-escalating cost of law school and its three-year hitch, a downturn in the legal job market, and disaggregation of a growing number of “legal” tasks. This resulted in the migration of young talent away from law and into other professional service and business careers.

Law schools have largely failed to engage in material reform during the post-financial crisis decade, especially the top-tier ones. Their inertia has contributed to an ever-widening skills gap in the legal industry, a challenge and opportunity law schools have failed to respond to meaningfully. Law schools have failed to align with and adapt to a changing marketplace. The ramifications affect the entire legal ecosystem and beyond.

Law schools continue to prepare grads to “think like a lawyer” even as the function, role, skillsets, workplace, and career paths of lawyers are changing dramatically. They are preparing grads for practice careers in a market where the practice of law is shrinking and the business of delivering legal services is expanding. Their pedagogy remains rooted in legal doctrine when law is now a three-legged stool supported by legal, business, and technology. They teach the rudiments of legal expertise when that alone will no longer cut it for most lawyers. They perpetuate a mindset and culture of “lawyers and ‘non-lawyers’” when law is now about legal professionals, only some of whom are licensed attorneys.

Competency, not diplomas, dictates marketplace success in the digital age. Diplomas still matter, of course, and so does the granting institution's brand. But exposure to a new suite of augmented skill sets is what really matters, especially after one's first gig. The core skills required of legal professionals—apart from baseline legal knowledge—are common among other industries in the digital age, a time when traditional boundaries separating professions/industries are increasingly blurred. [...]

It's past time for law schools to accept a measure of responsibility for the profession's failing grades on addressing the access to justice crisis, improving the profession's woefully low net promoter score, reducing the exorbitant cost and staggering debt burden of legal education, providing graduates with training for law in the digital age, and offering more effective career services that commence upon matriculation and continue throughout grads' professional careers. Legal education must not end with a diploma; it should be a lifetime collaboration between the institution and alumni/ae. The foundation of the compact should be a commitment to prepare grads to advance the interests of clients, society, and the rule of law. [...]

The legal industry's skills gap is real, pressing, and global. The problem can no longer be ignored, even if most law schools choose to. The tools, resources, capital, collaborative mindset, and expertise required to tackle it at scale exist. It's up to law schools to decide whether they remain the problem or collaborate in its solution.