

9-9-2013

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Carol A. Parker

University of New Mexico - School of Law

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Recommended Citation

Carol A. Parker, *Legal Education for All (or More than Just Lawyers)*, *The Chronicle of Higher Education* (2013).

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SCHOOL
OF LAW

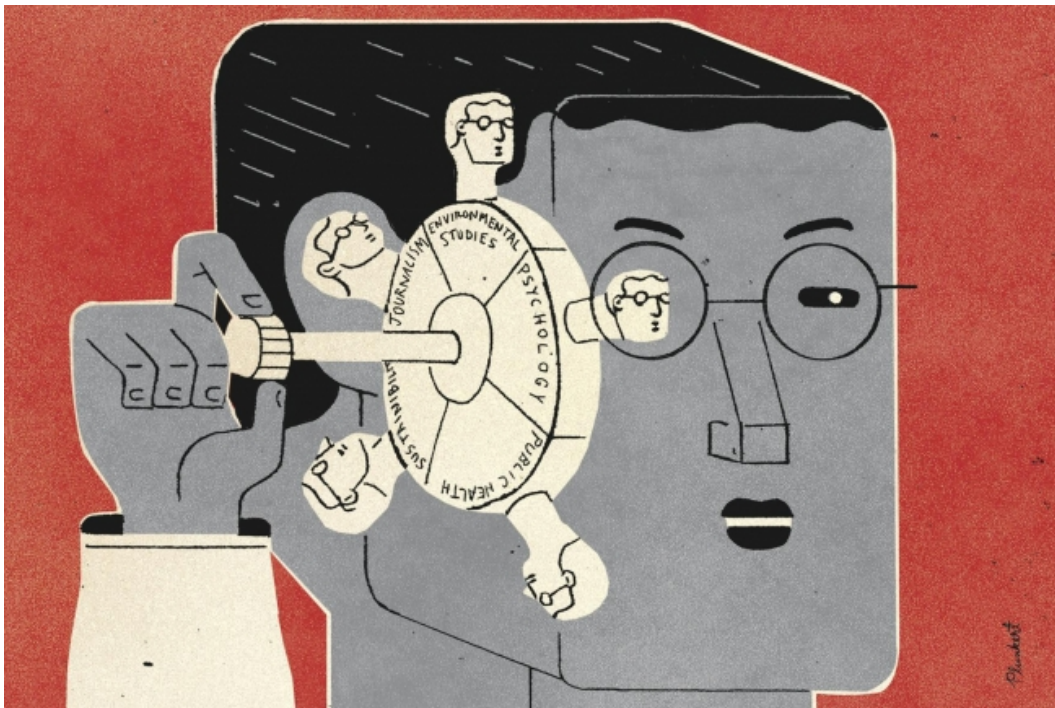
SMALL SCHOOL.
BIG VALUE.

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Legal Education for All (or More Than Just Lawyers)

By Carol A. Parker

The Chronicle of Higher Education
September 9, 2013



David Plunkert for the chronicle

The need to navigate and understand the U.S. legal system has grown sharply with the rise of the regulatory state over the past 50 years. Today it is increasingly important for workers in the knowledge economy to understand how laws and the regulatory environment can affect goals and strategies in their fields. Law faculties should collaborate more closely with colleagues in other colleges and departments and offer an array of degree programs to meet this growing need. Such programs, intended to provide access to legal knowledge rather than to produce more lawyers, would marry that knowledge to the subject matter of myriad other disciplines.

Virtually every sector of today's economy would benefit from employing workers with more than superficial knowledge of the law. Fields potentially ripe for the concept include health-care policy, artificial intelligence, cybersecurity, public affairs, banking, and environmental sciences, to name just a few.

While the need to acquire a working understanding of our laws and regulations seems only to grow, access to legal information is still largely kept at a premium by legal educators, who provide it almost exclusively through the juris doctor degree. Completion of this three-year professional degree is required by nearly every state to sit for attorney licensure examinations. However, the J.D. is less well suited to students who want simply to acquire legal knowledge. This is especially true as J.D. programs move toward a greater emphasis on experiential learning and on turning out practice-ready lawyers.

Nevertheless, enrolling in a J.D. program remains the primary means of obtaining meaningful knowledge about our legal system. In this respect the current American legal-education system forces one to choose between going without meaningful formal education in law or having to overconsume and overinvest in a degree best suited for those interested in becoming licensed lawyers.

Recently in *The Chronicle*, the Northwestern University law professor Steven J. Harper detailed the result of the narrow approach we now take to providing legal education in the United States—it has imploded under the weight of J.D. overproduction. Law schools are producing about 44,000 new graduates each year, but only slightly more than half of them find work as practicing lawyers. As a result, many law graduates end up working in positions where they capitalize on their legal knowledge but do not practice law.

The traditional legal-education business model of producing only J.D. graduates was sustainable only when more entry-level lawyer jobs were created than graduates were produced each year. Unfortunately those jobs are disappearing because of outsourcing, robosourcing, and clients who demand flat fees rather than billable hours. Online vendors now do a thriving business selling legal forms for wills, divorces, and incorporations—siphoning off the bread-and-butter trade of small solo practitioners.

Despite these game-changing economic shifts, legal educators, accreditors, and regulators largely keep doing what they know how to do best—turning out graduates with J.D. degrees geared toward law practice. Whether because educators are simply slow to change, do not know how to adapt, or cannot agree on what to do, the result is the same—an oversupply of law graduates who now cannot find work as licensed lawyers. The National Association for Law Placement's most recently released placement figures for J.D.'s provide no evidence that lawyer jobs are likely to rebound to former levels.

Meanwhile, employers want workers who are able to make connections across subjects and to employ different intellectual perspectives. Recent research shows that students with double majors gain a leg up on acquiring the vital skill of integrative thinking. According to a *Chronicle* report on that research, double-major

programs are said to encourage "creative thinking, in which students master multiple disciplinary approaches to generate fresh and original ideas. Students who major in two fields are more apt than their single-majoring peers to think both integratively and creatively."

The demonstrated benefits of double majors would apply to interdisciplinary legal studies as well. Including legal studies with the arts, sciences, and other professional programs would enhance development of critical reasoning and analysis skills, the ability to make connections across courses and subjects, and the ability to employ different intellectual perspectives.

An interdisciplinary approach would provide graduates of these new programs with greater access to the job markets of interdisciplinary partners—something that traditional joint degrees based on combining the J.D. program with master's degrees from other disciplines rarely do. New approaches could include professional certificates as well as master's-level degrees. Interdisciplinary programs would also set the stage for pipeline-to-graduate-degree programs based on baccalaureate studies, such as three-plus-two or four-plus-one programs.

When law professors and their colleagues from other disciplines start to offer professional-level interdisciplinary degrees, not only will the excess capacity that now exists within the legal academy be put to better use, but academic partners in these new degrees will benefit from gaining access to legal information to enrich their curricular offerings. Most important, the students and their future employers will be better served.

There are no accreditation barriers to taking this approach. Law schools may offer programs other than the J.D. degree under current law-accreditation standards as long as the programs do not detract from the ability to maintain J.D.-program accreditation standards. Although interdisciplinary scholarship has taken root in law faculties, programs of legal study still remain largely doctrinaire and traditionally organized.

Only a small percentage of American law schools offer master's-level legal-studies degrees, which are typically equivalent to taking two semesters' worth of law-school courses. These non-J.D. graduate degrees are aimed at students seeking knowledge about law, but combining such programs with subject matter drawn from other disciplines to create discrete programs remains rare. A couple of examples can be found at Yale and Arizona State, which offer programs that combine legal studies with areas as diverse as journalism, environmental studies, psychology, sustainability, and public health.

These concepts warrant serious consideration as universities work to meet the needs of educating the next generation of leaders and workers. We face problems that require multidimensional solutions, and the knowledge required to solve these problems will not arise in isolation from any single discipline. But by combining our collective knowledge, new ways of looking at problems and new solutions become possible.

The time is ripe for finding new modes of cooperation, so reach out to your faculty colleagues in law. Do not squander the opportunity provided by the crisis in legal education to inspire meaningful change. Creating exciting programs that combine legal information with the arts, sciences, and other professional programs will help reframe what legal education means.

Carol A. Parker is a professor of law and associate dean for finance and administration at the University of New Mexico School of Law.

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