

Should Law School Be Reduced to Two Years?

Last month, President Obama endorsed the idea of cutting law school instruction by one year. Proponents say smart reforms would make law school tuition more affordable. Opponents say cutting a year wouldn't cut costs and would produce less qualified lawyers. **Edited by Kira Zalan**



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COURTESY OF MICHAEL SCHWARZ

YES

Evaluating whether to deliver legal education in two years invokes several criticisms of modern law schools. Notably, that costs are exorbitant and the training is inadequate. A sensibly crafted two-year degree addresses both.

Adjusted for inflation, tuition for public law schools is 5.3 times higher today than in 1985. Private schools are 2.5 times as expensive. Today's graduate must compete against two peers for every one lawyer job, in tandem with law school loan obligations averaging well over \$100,000. Society cannot continue to expect students to mortgage their 20s, 30s and 40s; nor can it afford to do this. The economic and social consequences go beyond individual borrowers.

Despite the hefty price tag, key voices in the legal profession grumble that law schools do not prepare graduates for practice. Calls for more practical training are not new, but have been invigorated by a groundswell of criticisms about unconscionable debt, unethical marketing tactics and irresponsible growth (enrollment and personnel). Certainly, educational improvement is an enduring goal in a mutable world; content and pedagogy must evolve with a changing profession. Yet, as of today, costs are far more pressing. That's what makes the two-year degree so attractive.

To be sure, the term "two-year degree" [READ MORE »](#)



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COURTESY OF EDWIN FRUEHWALD

NO

Reducing law school to two years would be a serious mistake. Most law school graduates are not ready to practice after three years; chopping off a year would make this worse. As cognitive scientists have demonstrated, developing expertise requires many hours of learning. Moreover, law firms and public service organizations cannot afford to give their attorneys on-the-job education.

Law students need to learn more than black letter law before they practice. They need to learn the policies behind the law and how to apply the law to real-life situations. They also need to learn how the law intersects with business and other fields of knowledge. Eliminating a year would also mean that law schools could only teach the basics. Students would no longer be able to specialize in the area of law that interests them the most. Every law graduate would be a generalist. Is this in the public interest?

Equally important, changing law school to two years would not solve the serious financial crisis facing today's law graduates and the glut of lawyers currently on the market. If tuition were reduced by the elimination of the third year, making law school cheaper and shorter, even more people would apply. In [READ MORE »](#)

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is imprecise. Some schools already permit students to cram three years of credits (and tuition) into two years, saving them a year of living expenses and opportunity costs. Under current accreditation rules, students must complete 58,000 minutes of instruction in no fewer than 24 months.

Proposals like President Obama's, which reduce instruction time to save money, require rule changes to adjust what two-year degrees can mean. Any reform must also serve both students and the public well. As Obama says, this requires creativity.

Unlike other professional programs, law schools do not currently utilize curricular prerequisites prior to enrollment. One part of the reform package could be American Bar Association-mandated prerequisites to assure various competencies. Basic economics, accounting, statistics, persuasion and U.S. government courses would deepen the value of the law school curriculum, while also helping schools reduce costs.

In addition to outlining required college courses, the ABA could accredit prerequisite modules that other organizations might offer, perhaps online for free. Quality assurance is essential, but

the chance that a student wants to pursue a law degree later need not cannibalize her undergraduate education now.

Technology can make a substantial dent in costs and improve training before a student ever enrolls in law school. A school may move some content – say, basic black letter law – to an online platform, leaving the more expensive live classroom instruction for the types of training best accomplished in person. A state licensing body may eliminate perceived gaps in new attorneys by adding supplementary coursework to standard continuing education programs to make up for the one fewer year of law school.

Each part of the above reform package rejects thinking that the core legal education must start and end with law school. Creative thinking about two-year law degrees means moving beyond the bounds of traditional education. To get there, however, law school operations need significant structural and attitudinal shifts. The two-year model is theoretically worthy, but requires significant innovation to produce a suitable reality. ●

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addition, law schools would find a way to keep costs at their current level.

Making the third year optional, as has been suggested, would make matters worse for those students who opt for only two years. The better-paying jobs would go to those who completed three years, and those who only went for two would be stuck with grunt work or have no job at all.

Even reducing law school to two years but keeping the credit hours the same would be a mistake. The current schedule already overworks law students. Deep learning requires reflection, and reflection requires time.

Law schools need to reinvent the third year to make it more valuable to students. Most elite schools can continue their academic, scholarly emphasis, combining theory and philosophy with statistics, economics and other social science and technocratic skills. Other law schools can integrate law with learning business skills and international law to better serve corporate clients.

Most law schools, however, need to prepare students to be practicing attorneys in order to serve clients and the public. This requires hands-on, practice-oriented courses. For example, Stanford Law School has adopted a multi-faceted approach with interdisciplinary team-oriented, problem-solving courses, and expanded clinical offerings centered around an in-house law firm and courses to help students practice in a global world. The law schools at Washington and Lee and the University of Denver have devoted their third years to a complete immersion in practice-oriented courses. Similarly, Vermont Law School offers an optional general practice program.

Most law schools should require a minimum of one skills class per semester in the second and third years, with a clinic in the final year as a capstone course. Under this proposal, 15 out of approximately 60 credit hours of the last two years of law school would be devoted to practice-oriented courses. Devoting one-fourth of the upper-level curriculum to better preparing graduates to practice law makes sense. Finally, most classes should include problem solving. The third year of law school should be reformed, not eliminated. ●

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What Do You Think? Should law school be streamlined to two years for all students? Email your thoughts to editor@usnews.com.