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Excerpt

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Introduction

The Trouble with Law Schools

A. THE ECONOMIC CRISIS

The American legal academy is in a world of trouble. Some reasons for that are now familiar, both in and outside law schools. Most important, law graduates in large numbers are not finding legal jobs.¹ Law firm work is being outsourced,² being scaled back, or being done by non–partnership-track contract attorneys working for much less than traditional associates, or simply not being

¹ The best overview of the economic crisis facing law schools, as well as the most compelling argument for reform, is Brian Tamanaha's book, *Failing Law Schools* (2012). Estimates of the number of graduates who cannot find full-time legal jobs vary widely, but conservatively it is more than a third of all graduates over the last four years. The job numbers for the graduating class of 2011 are contained in the NALP report on Employment for the Class of 2011. NALP – *The Ass'n for Legal Career Professionals, Employment for the Class of 2011 – Selected Findings* (2012), <http://www.nalp.org/uploads/Classof2011SelectedFindings.pdf>. According to that report, 85 percent of all law graduates have found some employment. However, only 65.4 percent have a job for which a legal degree is required or recommended. Of those, 12.5 percent have jobs for which bar passage is not required but a degree is recommended. Twelve percent of these jobs are part-time, 7 percent are part-time and temporary, and 5 percent are at nonprofits, paid for by the law schools from which they graduated. Less than half – 49 percent – are in private practice, 3 percent are continuing graduate school of various sorts, and 18 percent of the graduates are in “business” rather than law, which can mean anything from consulting to flipping hamburgers or pouring coffee. Both the overall employment and the numbers in law firms are at new lows, whereas the numbers of graduates at nonprofits with their salaries or stipends paid by the schools, or working part time, in temporary positions, or in “business,” are at new highs. For an excellent and short summary of the economic problems, see Annamaria Andriotis, “10 Things Law School Won’t Tell You: We Reveal Why the Juris Doctor Isn’t What It Used to Be,” *Smart Money, Wall Street Journal Online* (June 6, 2012).

² Cynthia Cotts and Liane Kufchock, “U.S. Firms Outsource Legal Services to India,” *New York Times* (August 21, 2007). For a look at the recent picture, see Bill Henderson, “Lots of Jobs for Law Graduates – Just Not Grads in the U.S.,” *The Legal Whiteboard* (May 12, 2012), noting the rising market for lawyers in India to do the work outsourced by U.S. firms.

done at all.³ As a result, out-of-work or never-employed law graduates, many of them carrying between \$100,000 and \$200,000 worth of student debt, are now as ubiquitous in the bartending and cab-driving professions as the proverbial humanities majors. A number of credible studies show that sizable percentages of the still-growing numbers of the Great Recession–era graduates of law schools will *never* find legal work.⁴ Equally responsible forecasts suggest that even in a fully recovered economy, the legal profession will be radically restructured, with far fewer jobs in major firms serving large corporate clients – the slice of the profession disproportionately responsible for attracting college graduates to law schools in the first place.⁵

The second source of trouble, also a familiar one by now, is entirely of the law schools' own making. In a fit of short-term thinking that blotted out long-term consequences, many law schools, using the thinnest of rationales, continued to report to the American Bar Association (ABA) during the first few years of the recession – and hence during a time of plummeting legal employment – that their own recent graduates were still finding jobs at astonishingly high rates – in the mid-ninetieth percentile or higher. The ABA in turn reported these statistics to the US News and World Report (USNWR), the law schools' equivalent of a rating agency.⁶ Those rates were then published

³ Catherine Rampell, "At Well-Paying Law Firms, a Low-Paid Corner," *New York Times* (May 23, 2011), <http://www.nytimes.com/2011/05/24/business/24lawyers.html?pagewanted=all>.

⁴ "Now, Even Lawyers Are Getting Axed: Number of Unemployed Lawyers Jumps to a Ten Year High," Associated Press (April 13, 2009), http://www.msnbc.msn.com/id/30196250/ns/business-us_business/t/now-even-lawyers-are-getting-axed/#.UEe6K5ZX-So.

⁵ David Segal, "Law School a Losing Game," *New York Times* (January 8, 2011), <http://www.nytimes.com/2011/01/09/business/09law.html?pagewanted=all>; David Lat and Elie Mystal, "Biglaw Employment Prospects for Graduates of Top Law School: A Cornell Case Study (and a Debate)," *Above the Law* (July 9, 2010), <http://abovethelaw.com/2010/07/biglaw-employment-prospects-for-cornell-grads-a-debate/>; LawProf (Paul Campos) and DJM (Deborah Jones Merritt), "Class of 2011 Big Law Employment Stats," *Inside the Law School Scam* (February 25, 2012), <http://insidethelawchoolscam.blogspot.com/2012/02/class-of-2011-big-law-employment-stats.html>.

⁶ Carl Bialik, "Job Prospects for Law Grads? The Jury's Out," *Wall Street Journal Online* (March 17, 2012), <http://online.wsj.com/article/SB10001424052702304692804577283691965596610.html>; Paul Campos, "How Law Schools Completely Misrepresent Their Job Numbers," *Served, The New Republic* (April 25, 2011), <http://www.tnr.com/article/87251/law-school-employment-harvard-yale-georgetown>; Paul Campos and Deborah Jones Merrit, *Inside the Law School Scam*, <http://insidethelawchoolscam.blogspot.com/>; Kyle P. McEntee, Patrick J. Lynch, and Derek Tokaz, *Law School Transparency* <http://www.lawschooltransparency.com/blog/>. Morgan Cloud and George Shepherd from Emory University Law School have argued that the law schools, their deans, and USNWR itself have committed actionable and criminal wire fraud and related crimes, all stemming from the reporting and publishing of false data, intended to attract students to law schools under false pretenses. Morgan Cloud and George B. Sheperd, "Law Deans in Jail," *Emory Legal Studies Research Paper* No. 12–199 (2012), http://papers.ssrn.com/sol3/papers.cfm?abstract_id=19907461; Elizabeth G.

in the USNWR's annual "rankings" guide of law schools, on which college seniors rely when making the decision on whether and where to go to law school. Those high percentages, it is now clear, were almost absurdly bloated: the number of nominally "employed" law graduates of which the law schools spoke included graduates working for the law school from which they had just graduated, as research assistants or library aides reshelving books – positions traditionally held only by current students – graduates flipping hamburgers, and graduates working at nonprofits for very small stipends and for short periods of time and which were paid by the schools themselves.⁷ The *actual* employment numbers for graduates working at a permanent legal job – defined as a job that requires a law degree or bar passage, that is not a "temp job," that is full time, and that runs a year or more – most likely hovered between 40 and 60 percent at most schools, higher at others, but far lower at some, during the same years the schools were reporting that the percentages were in the mid-nineties.⁸ This continued until pressure from outside sources – bloggers, congressional investigators, some lawsuits, and a stream of bad publicity – forced the schools to change their reporting practices. Some applicants, students, graduates, members of the bar, and a growing number of bar association committees charged with oversight of the schools quite sensibly saw in this shell game a massive consumer fraud.⁹ Bitter and enraged Web pages and chat rooms accused well-paid law professors and administrators of complicity in the deceitful machinations of their schools' admissions and placement offices,¹⁰ and a number of lawsuits were filed, most of which

Olson, "Law School Fuzzy Grad Jobs Stats: A Federal Offense? Widespread Manipulation of Law School Employment Data May Boost a School's Ranking, but It Might also Be Federal Fraud, According to a New Study," *CNNMoney* (March 16, 2012), <http://management.fortune.cnn.com/2012/03/16/law-school-fuzzy-grad-jobs-stats-a-federal-offense/>.

⁷ Paul Campos, "How Law Schools Completely Misrepresent Their Job Numbers" *The New Republic*, April 25th, 2011; Paul Caron, "A Stunning but Largely Unnoticed Anomaly in Recent Employment Outcomes Data Suggests That Things May Be even Worse Out There than We Imagined," *The Faculty Lounge: Conversations about Law, Culture, and Academia* (March 19, 2012), <http://www.thefacultyounge.org/2012/03/a-stunning-but-largely-unnoticed-anomaly-in-recent-employment-outcomes-data-suggests-that-things-may.html>; Paul Caron, "Columbia, NYU, Fordham Law Schools Inflate Employment Stats," *TaxProf Blog* (March 12, 2012), http://taxprof.typepad.com/taxprof_blog/2012/03/ny-post.html; Paul Caron, "2010 Employment Data: Law School Funded Jobs," *TaxProf Blog* (April 18, 2012), http://taxprof.typepad.com/taxprof_blog/2012/04/2010-placement.html.

⁸ Campos, Id., Caron, A Stunning But Largely Unnoticed Anomaly, Id.

⁹ See, e.g., Comments sections, Lat & Mystal, *Above the Law*; Campos & Merritt, *Inside the Law School Scam*; Segal, "Law School a Losing Game," all supra note 5.

¹⁰ The "scam movement" in the blogosphere consists of a number of bloggers who seek to expose the "scam" by which law schools lure students to schools, knowing the degree is worthless, by misrepresenting the employment rates of their graduates. A softer version of this accusation holds that USNWR and the ABA jointly create incentives for all law schools

are still pending, with more threatened. Regardless of the outcomes of those lawsuits – which so far have not succeeded, largely because the law schools' elastic definition of “employment” according to which all jobs, including jobs that have nothing to do with law, could count toward the total employment percentage, was permitted by the parameters set by the ABA¹¹ – the damage has been done. Law schools are no longer trusted by potential applicants, the public, or even the profession into which their graduates seek admission.

The third problem is a consequence of the first and of the publicity surrounding the second: applications to law schools are dropping as the market for graduates is tightening.¹² At the top thirty (or thereabouts) schools, the quality of the student body is still very high. For every seat filled in these schools for the last few decades, there have been a number of rejected applicants or applicants on the waiting list who are also highly qualified. But this is not true at schools in the middle or bottom tiers of the rankings. A drop of 20 percent or more in applications nationwide can only mean that eventually some law schools will not be able to fill their seats and others will face severe accreditation problems if they stay open – their graduates will have real

to follow what one prominent scam blogger calls the “luxury model” of highly paid faculty, low teaching loads, rewards for research, and little practical training, regardless of the ranking or quality of the law school, with the result that all students pay the same exorbitant tuition. The full range of what the bloggers call the law school scam, and what they believe is behind it, is well described by Kimber Russell in an interview on her own blogging activity. “Interview with a Law School Scam Blogger: Kimber A. Russell”, *Broke Professionals* (blog) (March 6, 2011), <http://brokeprofessionals.com/2011/03/06/interview-with-a-law-school-scam-blogger-kimber-a-russell/>. The most influential scam blogs to date include *Inside the Law School Scam*, <http://insidethelawchoolscam.blogspot.com/>; *Shilling Me Softly*, <http://shillingmesoftly.blogspot.com/>; *Law School Transparency*, <http://www.lawchooltransparency.com/>; *Sh*t Legal Jobs*, http://legalblogwatch.typepad.com/legal_blog_watch/2010/09/sht-law-jobs-your-portal-to-finding-all-the-jobs-you-do-not-want.html; *Third Tier Reality*, <http://thirtiertierreality.blogspot.com/>; *All Education Matters*, <http://alleducationmatters.blogspot.com/>; *Subprime JD*, <http://subprimejd.blogspot.com/>; *The Jobless JurisDoctor (No to Law School)* <http://www.notolawschool.com/>; *Esquire Never*, <http://esqnever.blogspot.com/>; *But I Did Everything Right! (Or so I Thought)*, <http://butidideverythingrightorsoithought.blogspot.com/>.

¹¹ American Bar Association. 2012–2013 *ABA Standards and Rules of Procedure for Approval of Law Schools, Employment Data Worksheet* (2012), http://www.americanbar.org/groups/legal_education/resources/standards.html.

¹² Anne Lowrey, “Law of Averages: Why the Law School Bubble Is Bursting,” *Slate* (March 19, 2011), http://www.slate.com/articles/business/moneybox/2011/03/law_of_averages.html; Nathan Koppel, “Law School Loses Its Allure as Jobs at Firms Are Scarce,” *Wall St. Journal Online* (March 17, 2011), <http://online.wsj.com/article/SB10001424052748704396504576204692878631986.html>; James B. Levy and Louis J. Sirico, Jr., “LSAC Reports Applications to Law Schools Are Down More than 15%,” *Legal Skills Prof Blog* (January 20, 2012), http://lawprofessors.typepad.com/legal_skills/2012/01/lac-reports-applications-to-law-schools-are-down-more-than-15.html.

problems passing the state bar exams. But almost all schools will be affected; the students who are now admitted to schools that would have rejected them a decade ago will have different challenges, learning styles, and needs from those of the students of earlier years to which their schools are accustomed.

Fourth, both fund-raising and development efforts at private schools, and consistent and generous support from state legislators at the public ones,¹³ are now made difficult because of the ongoing global economic downturn. The costs of running an excellent law school, however, are rising, particularly at the top-ranked schools.¹⁴ The quality of faculty, as judged primarily by publication records but also by teaching excellence, determines rankings – perhaps even overdetermines them – and competition for top professors has driven faculty salaries into the stratosphere.¹⁵ Meanwhile, consumerist-minded applicants choose schools largely on the basis of those rankings, but also, all else being equal among their choices (meaning they are choosing between comparably ranked schools and they are willing and able to pay or borrow the highest tuitions), in part on the quality and aesthetics of the fitness centers, the dormitory space, and the living and eating facilities the various schools might offer, to enhance not just the comfort but indeed the luxuriousness of their law school careers.¹⁶ Those fitness centers and fine dormitories cost a great deal. More significantly, however, and affecting more schools, curricula at all law schools, not only top schools, now routinely include sizable clinics and scores of seminars that are extremely popular but also far more labor intensive, and thus more expensive, than the traditional law school classroom of a hundred students and one instructor. Centers and institutes – in effect miniaturized think tanks focused on particular areas of contemporary concern, such as environmental and national security issues – sometimes funded by outside sources but sometimes not, now pepper top law schools, offering politically minded students opportunities to engage in the challenging work of formulating (or criticizing) public policy, but at the same time increasing the schools' administrative and payroll overhead.¹⁷ Finally, administrative staffs at

¹³ See Lauren K. Robel, "Association of American Law Schools Presidential Address 2012," *AALS News* (February 3, 2012).

¹⁴ Paul Campos, "First Steps toward Reform," *Inside the Law School Scam* (August 16, 2011), <http://insidethelawschoolscam.blogspot.com/2011/08/first-steps-toward-reform.html>.

¹⁵ Paul Campos, "So That Explains It," *Inside the Law School Scam* (July 6, 2012), <http://insidethelawschoolscam.blogspot.com/2012/07/so-that-explains-it.html>; Paul Campos, "To What Extent Are Law Faculty Innocent Bystanders," *Inside the Law School Scam* (August 23, 2011), <http://insidethelawschoolscam.blogspot.com/2011/08/to-what-extent-are-law-faculty-innocent.html>.

¹⁶ Campos, *So That Explains It*, Id.

¹⁷ U.S. Government Accountability Office, *Higher Education Report: Issues Related to Law School Cost and Access* GAO-10-20, 25 (October 2009).

law schools, like the university staffs of which they are a part, are increasing in size virtually everywhere, and sometimes dramatically, to meet the needs of a demanding and highly stressed population of students.¹⁸

With Juris Doctor (JD) applications dropping; little, if any, development money coming in; public support for higher education across the board at an alarmingly low point; and costs rising, law schools are facing a dire financial reality: there is no longer a clear source of revenue to cover the outsized faculty and administrative salaries; the upscale buildings; the labor-intensive and popular clinical programs; the scores of fellowships; the nonteaching institute and center professional staff; the prestigious and pricey health and wellness centers with swimming pools, treadmills, and weightlifting rooms; and the low-enrollment seminars and small classes in “boutique” subject matter that are now *de rigueur* at every public and private law school in the country. Without substantial increases in public monies, or development and fundraising at the private schools, the only clear path to cover those costs is either by increasing the number of JD and Master of Laws (LLM) students, in a time of declining applications, thus threatening the quality of either or both programs, or by increasing tuition, at a time when the value of the education that tuition buys, as measured by a return-on-investment formula – the cost of tuition relative to the starting salary of the graduate, discounted by the probability of achieving that salary – is dropping like a stone. Surely it is not smart business practice to raise the price of a commodity when the value of the commodity, both real and perceived, is declining. Nor is it a good idea to try to increase the number of buyers of that commodity – meaning students – when the employers of those buyers are disappearing. Thus, the standard remedies for increasing costs, to which law schools have become accustomed during times of economic growth – increase the class size and raise the tuition – now seem foolhardy, arrogant, or both.

Taken collectively, these problems constitute what I call in this book the economic crisis facing law schools. A law degree is no longer worth the investment of time and tuition it requires, as judged by the rate of return. Many graduates are not finding legal jobs. There are simply too many graduates and not enough jobs. Those who do find jobs are facing starting salaries that are far too low to support their debt obligations, much less a decent standard of living.¹⁹ With new college graduates increasingly aware of the situation,

¹⁸ *Id.*

¹⁹ Lincoln Caplan, “An Existential Crisis for Law Schools,” *N.Y. Times* (July 14, 2012), <http://www.nytimes.com/2012/07/15/opinion/sunday/an-existential-crisis-for-law-schools.html>; e.g., Andriotis, “10 Things Law School Won’t Tell You,” *supra* note 1.

applications to law schools continue to drop, reducing the revenue stream at the same time that outside sources of funding are likewise dwindling and the costs of running a law school continue to rise. The law schools are in the middle of an economic crisis with a clearly untenable business model going forward.

B. THE PROFESSIONALISM CRISIS

The economic crisis has absorbed the time and attention of both law school reformers and law school critics, as I discuss later. But in addition to the economic crisis, law schools now are facing a precipitous drop in the perceived *intrinsic* value of their main product: legal education itself. According to conventional wisdom, law faculties are supposed to do two things: train lawyers and produce legal scholarship. According to another set of critics and reformers, mostly different from but somewhat overlapping with those addressing law school finances, law faculties today do neither very well. Take teaching. Prominent judges and members of the bar have argued for decades that there is an unacceptable gulf between the education students are receiving in law schools and the skills they will need to perform as practicing lawyers.²⁰ That critique has intensified over the past ten years as the economics of legal education have worsened and the size of the gulf – or at least the perception of its size – has widened. According to these professionalism-minded critics, law graduates do not know how to write a bill of complaint or an answer to a request for interrogatories, and many do not know what those documents are. They do not know how to interview a client or a witness. They do not know how to structure a deal. They do not know how to negotiate, mediate, or arbitrate a dispute. They do not know how to calculate a fair settlement. They are petrified by the prospect of a jury trial. More basically, they do not know how to *write*, much less how to do the legal writing that is the bread and butter of legal practice; more broadly still, they cannot communicate legal ideas or even legal information clearly, in either oral or written form. Recent law

²⁰ For a good history of this complaint from the practicing bar, see William M. Sullivan, Anne Colby, Judith W. Wegner, Lloyd Bond, and Lee Shulman, *Educating Lawyers: Preparation for the Profession of Law, from the Carnegie Foundation for the Advancement of Teaching*, 87–125 (2007) (hereinafter *Carnegie Report*). For the classic statement of the concern from the bench, see Judge Harry T. Edwards, “The Growing Disjunction between Legal Education and the Legal Profession,” *Michigan Law Review* 91 (1992), 34–78. For an overview of the problem from within the academy, with sensible suggestions for reform, see Jason M. Dolin, “Opportunity Lost: How Law School Disappoints Law Students, the Public, and the Legal Profession,” *California Western Law Review* 44 (2008), 219–256. See also David Segal, “What They Don’t Teach Law Students: Lawyering,” *N.Y. Times* (November 19, 2011).

graduates also seemingly have no experience applying the law they do know to an indeterminate world: they cannot navigate from the real world of events, stories, and human beings with conflicting interests, needs, and desires to a legal world of “claims,” “counterclaims,” “facts,” and “issues.” They are, therefore, ill equipped to confront the messy reality with which potential clients or witnesses might confront them, and to mold the information they glean into legally relevant forms. They have learned what they have learned from, and of, and about the law in those large and heavy casebooks; they have not learned much about the people to whom that law applies.

Even more damning, the critics continue, law graduates lack legal *judgment*.²¹ They have no idea how to assess a situation and help a client formulate a sensible plan going forward, in light of the relevant law. They have no legal intuition. More telling, they have no people sense, for lack of a better phrase, and obviously no experience or wisdom on which to draw to attain it, but they also have no educational experience that might guide them in the process of acquiring those inchoate virtues that make a lawyer a truly valued counselor. With considerable justification, firms feel they are bearing the entire weight of educating and training lawyers, who come to them with, at best, some familiarity with doctrine in some areas of law, bits and pieces of knowledge about how appellate courts reason, and a few additional liberal arts sorts of classes under their belts – “postmodernism and the law,” “comparative French jurisprudence,” and the like.²² The schools, hiring partners complain, have failed to guide the students through even the first step on the path of becoming a lawyer, and even when they try to help them do so, that first step is often a misstep.

Legal scholarship, according to legions of the contemporary academy’s critics, is in even worse shape. Law faculty produce an extraordinary amount of it, but it is of little value either to the rest of the university or to the practicing bar, albeit for diametrically opposing reasons.²³ For the rest of the university, legal scholarship is far too practice-minded, professional, and lacking in any real – meaning academic – discipline. The law journals are not peer reviewed or refereed, there are too many of them for purposes of quality control, and, most damning, they are student-edited. They are, in a phrase, amateurish vanity presses. Furthermore, the scholarship in even the best of them is weirdly anti-intellectual even when plenty enough smart. Even the best of that scholarship

²¹ Id.

²² Id.

²³ Id. See also Richard A. Posner, “The Deprofessionalization of Legal Teaching and Scholarship,” *Michigan Law Review* 91(8) (1993), 1921–1928 and Deborah L. Rhode, “Legal Scholarship,” *Harvard Law Review* 115(5) (2002), 1327–1361.

is seemingly aimed at inventing yet another mousetrap or improving the plumbing of the legal order, rather than contributing to our societal wealth of knowledge about current or past law; it is of practical interest only, rather than intellectual. Furthermore, even given its own practice-oriented limitations, this scholarship is too often utterly ignorant of vital developments in the rest of the academy – political science, history, philosophy, and economics – as well as the insights or knowledge that could be gleaned from the best of what those disciplines might offer, and that might have informed either genuinely academic or even avowedly pragmatic or practical writing on law. The real university, in other words, gives a thumbs-down to the legal academy's attempts at producing scholarship – it is faux.²⁴

More scathing, however, as well as more public, is the criticism of legal scholarship from the other side of the aforementioned “gulf.” Legal scholarship, according to both the bench and the bar, is too “academic” and not sufficiently attuned to the needs and interests of the professional reader.²⁵ It has become far too outré, precious, and faddish; too “interdisciplinary”; too taken by economic, philosophical, literary, historical, or sociological “analysis” to be of use to practicing lawyers or judges.²⁶ A better mousetrap or a blueprint for better plumbing that might actually be of use to the legal system would be a welcome relief. Judges widely proclaim their lack of interest in academic legal scholarship and may even brag that they do not bother to read it.²⁷ Lawyers in firms claim a similar disinterest. A *New York Times* reporter snidely opines that law faculty are engaged in narcissistic, irrelevant, and, worst of all, “post-modern” scholarship, of no interest not only to the profession but really to anyone at all save the small handful of like-minded colleagues, also comfortably housed in law schools, who might have been cited in laborious footnotes and therefore have an incentive to read it.²⁸

This lack of confidence in the ability of American law schools to produce either minimally competent lawyers or significant scholarship that is of

²⁴ One rarely sees this expressed in writing, but it is a common complaint about legal writing, perhaps the most common one, that emerges in conversation at interdisciplinary conferences, virtually regardless of the discipline.

²⁵ Edwards, “The Growing Disjunction between Legal Education and the Legal Profession,” *supra* note 20, at 35.

²⁶ *Id.* See also, for further examples of the anti-interdisciplinary movement, Anthony D’Amato, “The Interdisciplinary Turn in Legal Education,” *ExpressO* (2006), http://works.bepress.com/anthony_damato/2; Daniel Farber, “The Case against Brilliance,” *Minnesota Law Review* 70(4) (1985), 917–930; Segal, “What They Don’t Teach Law Students,” *supra* note 20.

²⁷ Edwards. “The Growing Disjunction between Legal Education and the Legal Profession,” *supra* note 20, at 36, 54.

²⁸ Segal, *supra* note 20.

interest to the profession might be called the professionalism crisis facing law schools: the American legal academy is not serving the legal profession well, in either its scholarly or its pedagogical capacity. This criticism, furthermore, has now bled over into the general public. It is no longer simply a hobbyhorse of a few judges on the bench and hiring partners at law firms. Editorials and stories in *The New York Times*²⁹ and the *Washington Post*³⁰ as well as a score of other respectable newspapers, innumerable Web pages,³¹ and law and pre-law student Internet groups all over the country³² are publicizing not only the economic problems plaguing law schools but also their pedagogical and scholarly shortcomings.

Putting these daunting problems together – the economic crisis on the one hand and the professionalism crisis on the other – yields a perfect storm, fully reported by big and small mainstream media, both print and cyber: law school no longer offers a “safe” professional degree with a job guaranteed at the end. On the contrary, claim the critics, it is at best an unwise investment,³³ and at worst a fraud:³⁴ nothing more than a scam or a Ponzi scheme that keeps well-paid and over-tenured faculty and administrators contented but has little redeeming social value. Law schools take huge amounts of money from naive applicants and the funders of those outsized student loans (and, increasingly, taxpayers, under the terms of loan forgiveness plans), and then do not even do them the courtesy of providing the education they need at the end of the

²⁹ Id.; David Segal, “Is Law School a Losing Game?,” supra note 5; David Segal, “Law Students Lose the Grant Game as Schools Win,” *N.Y. Times* (April 30, 2011), <http://www.nytimes.com/2011/05/01/business/law-school-grants.html?pagewanted=all>; David Segal, “Law School Economics: Ka-Ching!,” *N.Y. Times* (July 16, 2011), <http://www.nytimes.com/2011/07/17/business/law-school-economics-job-market-weakens-tuition-rises.html?pagewanted=all>; Brian Z. Tamanaha, “How to Make Law School Affordable,” *N.Y. Times* (May 31, 2012), <http://www.nytimes.com/2012/06/01/opinion/how-to-make-law-school-affordable.html>; Stanley Fish, “The Bad News for Law School,” *N.Y. Times* (February 20, 2012), <http://opinionator.blogs.nytimes.com/2012/02/20/the-bad-news-law-schools/?gwh=46456BF8B12FCE87B3193DFC49743079>; Caplan, “An Existential Crisis for Law Schools,” supra note 19.

³⁰ Charles Lane, “Book Review: *Failing Law Schools* by Brian Tamanaha,” *Washington Post* (August 2, 2012), http://www.washingtonpost.com/opinions/book-review-failing-law-schools-by-brian-z-tamanaha/2012/08/03/e7054c9c-c6df-11e1-916d-a4bc61efcad8_story.html; Sam Favate, “New Book Claims Law School Is a Bad Deal for Most,” *Law Blog, Wall St. J. Online* (June 18, 2012), <http://blogs.wsj.com/law/2012/06/18/new-book-claims-law-school-is-a-bad-deal-for-most/>.

³¹ Supra note 10.

³² E.g., *Above the Law*, <http://abovethelaw.com/>; *Epic Fail : Law School Disaster*, <http://lawchoolfail.blogspot.com/>, *Shilling Me Softly* and *Sh*t Legal Jobs*, both supra note 10.

³³ Tamanaha, *Failing Law Schools*, supra note 1; Paul Campos, *Inside the Law School Scam*, <http://insidethelawchoolscam.blogspot.com/>; *Shilling Me Softly*, supra note 10; Segal, “Law School Economics,” supra note 29.

³⁴ Cloud and Sheperd, “Law Deans in Jail,” supra note 6.