Section V

Survey of California’s Top Quality Law Schools

Introduction

In evaluating the likely supply of and demand for lawyers in California in the coming decade, we rely on trend projections derived from existing labor and population data sources. But as our literature review indicates, we also need to consider how these trends might be affected by other factors, such as emerging high-technology specialty areas, growing international trade, public attitudes, and so on. For these kinds of insights we interviewed knowledgeable individuals in California’s top law schools and firms, as well as experts in the legal field. In general, we rely on the survey results to identify special content issues in supply and demand trends and potential changes in the ways in which legal education and legal services will be provided in the coming decade. The findings help to interpret and qualify outcomes of the quantitative analyses discussed above.

The main questions addressed by the law school survey include the following: changes foreseeable in law student numbers, geographical origins, ethnicity and other demographics, and legal practice goals; changes in the delivery of legal education in terms of sites, class size, distance learning, clinical features, and joint programs with other disciplines and other kinds of changes in the law school environment, such as curriculum, types of faculty, and new or more concentrated specialties. We also inquired about expected changes in the demand for lawyers; changes in the way legal services will be delivered, such as reliance on more paraprofessionals, alternative dispute resolution (ADR), and Internet-based delivery; and other changes in the professional environment, such as the size of law firms, the employment of lawyers by corporations and consulting firms, and the meaning to legal education of economic globalization.

Procedures

In order to determine how the top ABA-approved law schools in California are planning to prepare for the legal landscape of the future, we selected 11 law schools according to several criteria. The criteria included the number of applicants, ratio of applicants to acceptances, proportion of acceptances that eventually enroll, the Bar passage rates of the school’s 1997 graduating class, and measures of the quality of the student body, including LSAT scores and undergraduate GPA. The final sample of 11 “top quality” law schools met the following criteria: 1) they had at least 2,550 applicants for the incoming first-year class in 1997; 2) the admittance rate was below 50 percent; 3) the average undergraduate GPA in the bottom quarter of the 1997 incoming class was not lower than 2.75; 4) the average undergraduate GPA in the top quarter of the 1997 incoming class was not lower than 3.35; 5) the average LSAT score in the bottom quarter of the 1997 incoming class was not lower than 150; 6) the average LSAT score in the top quarter of the 1997 incoming class was not lower than 159; and 7) the Bar passage rate for graduates in 1997 was at least 80 percent (see Appendix C).

The use of these criteria resulted in a final sample of 11 law schools listed below (see Figure 5.1). The sample includes four public law schools and seven private schools.
For each of the 11 schools, we conducted interviews with the law school dean using a semi-structured interview protocol (see Appendix D). The interviews were done by telephone and on average took 45 minutes to complete. In all cases, the deans provided a wealth of information and insights about the current trends in legal education as well as the larger legal profession. However, it should be underscored that the sample is not random but instead is chosen to represent California’s leading law schools; findings from the survey therefore do not generalize to the population of California law schools.

Findings

In what follows we report what we learned from these interviews about expectations for the future of legal education and the legal profession. For convenience, findings are organized to follow the order of questions in the survey protocol (see Appendix D). Although the responses we obtained were richly detailed and varied, what is most striking about them is their strong overall consistency along dimensions of greatest interest to this research. We therefore present the findings in summary form below, citing noteworthy differences in viewpoints when relevant.²

Applicant and Enrollment Trends

Respondents expect large increases in the numbers of future undergraduates due to the “baby boom echo,” and therefore, the potential law school applicant pool will presumably increase. But the actual number of applications is not expected to keep pace with growth in the population of students with undergraduate degrees because enrollments themselves are not expected to change substantially in the foreseeable future. Two reasons are given for these conclusions. First, the economy is good, so there are many positive alternatives to law school following an

¹ Hastings College of Law is affiliated with the University of California; it is not entirely under the control of the University of California Regents but rather has a separate governing body.
² All findings reported in this chapter reflect beliefs and judgments of those interviewed; we did not acquire secondary data from school records.
undergraduate degree (thus applications will increase at a slower rate than the population). Second, admissions will remain more or less stable because law schools are operating near or at capacity; they cannot readily increase enrollments without major adjustments that they are currently not contemplating. However, any increase in applicants could improve the quality of those admitted and ultimately enrolled.

**Geographic Origin**

With respect to geographic origin of applicants, there are some differences based on school affiliation. Public schools generally have out-of-state enrollments no higher than 25 percent; the proportion of in-state students actually enrolled in their classes ranges from 75 to 85 percent. Private schools vary more along this dimension. Smaller private schools enroll as many as 90 percent of their students from California, while the larger and more prestigious schools report that about 60 percent of their enrollees are from within the state. Both private and public schools indicate that a substantial proportion of their in-state students (about half or more) is from nearby regions. These geographic characteristics of enrollees are not expected to change substantially in the future.

**Minority Enrollment**

We also learned about differences between public and private schools with respect to their enrollment of minority students. The three University of California schools confirm that Proposition 209 has decreased their minority enrollments and will continue to keep minority representation down in the future (see University of California enrollment statistics cited in the literature review). In private schools, affirmative action programs persist and minority enrollments are either stable or, in many instances, increasing. According to the deans in almost all of the schools surveyed, representation across ethnic groups is shifting. Specifically, African American representation is disproportionately small and the numbers are declining. Latino representation exhibits similar trends in University of California schools; however, in private schools, Latino students are stable or increasing as a proportion of enrollments. Asian American students are growing as a proportion of enrollments in both private and public schools, although their representation is not yet proportional to the number of Asian Americans in the state population. In general, greater diversity is expected to characterize private but not public law schools in the coming years. Our interviews also inquired about other demographic trends. Among them, the stabilization of gender trends was most frequently mentioned. All schools reported that after two decades of growth, enrollment of women now represents half (or slightly more than half) of all enrollments; this proportion is not expected to change.

**Areas of Specialization**

Further, the interviews inquired about changes in desired areas of concentration or specialization on the part of enrolling students. Here we found quite consistent responses across types of schools. Not surprisingly, they mirrored expected changes in demand for lawyers practicing in particular specialty areas. One dean pointed out that ideally law schools themselves are predicting the landscape of the legal profession five years into the future and planning accordingly. Figure 5.2 below summarizes these findings. Specialization is increasing in law
firms, according to respondents. This is reflected in increasingly specialized, often interdisciplinary, programs or courses within schools (see Section 6 for similar, although slightly varying judgments made by law firm representatives).

**Figure 5.2**

**Judged Changes in Importance of Areas of Specialization**

<table>
<thead>
<tr>
<th>Specialties on the Rise:</th>
</tr>
</thead>
<tbody>
<tr>
<td>➤ Intellectual Property</td>
</tr>
<tr>
<td>➤ Cyber Law</td>
</tr>
<tr>
<td>➤ International Law</td>
</tr>
<tr>
<td>➤ Alternative Dispute Resolution</td>
</tr>
<tr>
<td>➤ Health Care</td>
</tr>
<tr>
<td>➤ Business Law</td>
</tr>
<tr>
<td>➤ Estate Planning</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Specialties in Decline:</th>
</tr>
</thead>
<tbody>
<tr>
<td>➠ Environmental Law</td>
</tr>
<tr>
<td>➠ Bankruptcy</td>
</tr>
<tr>
<td>➠ Personal Injury</td>
</tr>
</tbody>
</table>

Briefly, practice domains that are showing the greatest growth include intellectual property (patent law, copyright law, and applications of these in biotechnology, pharmaceuticals, and other high technology fields), cyberlaw (and, more generally, relationships between law and information and communications technologies), international law, health care, and alternative dispute resolution. Business law, a staple (including taxation, transactions, commercial litigation, antitrust, and so on) will continue to grow steadily. Further, all aspects of estate planning as well as legal services for older adults should attract growing interest in the future as the baby boom cohort ages. In contrast, environmental law—which grew in demand in the early 1990s—has markedly declined in recent years. Bankruptcy law and personal injury law also appear to be trending downward.

Because interview questions about changes in importance of areas of specialization were open ended, we cannot assess the correlation between judgments made by educators and those provided by law firm representatives (see Section 6). However, except for some divergence of opinion about particular subareas within environmental law, their viewpoints are highly congruent. They also corroborate the main themes emerging from our literature review (see Section 2) about changes in the salience of different specialization areas nationally.

**Changing Approaches to Legal Education**

To obtain a more fine-grained picture of influences on the future supply of lawyers from California’s top law schools, we asked about potential changes in approach to legal education that might increase or decrease the number of students they could accommodate. For example, moving away from large lecture classes to small group courses would be likely to reduce the total number of enrollees a school could serve. On the other hand, introduction of part-time or
evening course options or adoption of distance learning technologies could expand enrollment capacities. Interviewees’ responses are summarized below.

All schools have introduced smaller courses that make use of clinical style teaching methods. Small courses, in turn, restrict options for increasing enrollments. They are expensive to provide, however, so they are typically confined to certain curriculum areas in most schools. They may entail real onsite work with clients or, where such arrangements are not feasible, may rely on simulation techniques. The cost of small courses makes this trend a self-limiting one.

Part-time enrollments and evening courses are options made available in only four of the schools in the sample—all of them private schools; the remainder of those surveyed had no plans to introduce such programs in the future. Where they are available, these options are seen as affording avenues for economically disadvantaged students to pursue careers in law. No schools reported plans to open off-campus sites.

Both public and private law schools report that many joint programs are currently being conducted with other schools and departments (e.g., joint JD/MPA degrees, joint social science and law degrees, and even engineering and law). International exchange programs are being introduced as well, because of the growing interest in international law. In addition, varied interdisciplinary courses (e.g., health law) are being offered within schools. A more innovative joint effort is reflected in a shared UCLA and UC-Berkeley class on Native American Law. Respondents concur that increasing specialization of practice can only boost trends toward joint and interdisciplinary courses and programs in the future.

On the other hand, the future for distance learning in legal education is less clear. Many respondents said that Concord—the entirely virtual law school in Los Angeles—would not be the wave of the future. Equally many, however, cited the UCLA-Berkeley course on Native American Law, delivered by videoconferencing, as a precedent-setting success in the use of technology. It is likely that there will be a role for interactive networked technologies in the future delivery of at least some parts of the law school curriculum, but views are divided about its nature and scope. Uncertainties turn, in part, on doubts about ABA accreditation for such network-based courses and, in part, on ambivalence about the effectiveness of the medium, especially for conveying the less tangible aspects of legal education, such as ethics and norms, rational inquiry, and deliberative style.

At present, all schools are relying on Web- and Internet-based tools to aid and enhance traditional teaching and learning. The uses mentioned include access to online resources for conducting research; distribution of course materials electronically; synchronous or asynchronous discussion groups; Internet-based techniques for cross-site team teaching or collaborative learning; and smart classrooms (where note-taking is done on laptops rather than on paper). Such educational uses will expand in the near future quite independently of the fate of distance learning as a course delivery method.
Other Changes in the Law School Environment

To keep pace with new and increasingly complex specialty areas, many respondents mentioned changes in types of faculty members hired. Nearly all schools are attempting to create a more interdisciplinary faculty by hiring members without law degrees but with strong scholarly research skills in relevant fields (e.g., from the behavioral sciences) as well as making more joint appointments. Besides these main trends, our interviews additionally shed light on the following changing hiring patterns in one or more schools: greater reliance on practicing lawyers as adjunct professors to teach some highly specialized courses (e.g., cyberlaw); more lateral hiring; and—among older more stable faculties—the hiring of very recent graduates as a way to increase faculty diversity. In addition to new types of faculty, many schools also mentioned the introduction of new journals, while other schools reported that they already published eight or nine journals. The proliferation of journals is attributed to the proliferation of specialties, the need to provide more publication vehicles for students, or both.

Finally, many schools reported a greater emphasis on ethics, social justice, pro bono work, and public interest law. In part, these changes represent a response to widely reported disaffection with the legal profession on the part of insiders as well as the public (e.g., Hensler and Reddy, 1994). Interviewees report that students are keenly interested in taking advantage of such efforts and that many would like to pursue public interest law careers. On the other hand, positions in public law are very poorly paid and there are few mechanisms in place (e.g., loan forgiveness programs) to counteract that disincentive. Further, the competition for good positions in this field is fierce. So few students, in fact, elect to concentrate on public law. Thus some interviewees concluded that law schools’ greater emphasis on the public interest was more a publicity trend than a trend in fact.

Future Convergence or Divergence Among Schools?

To close the discussion of future trends in legal education, our interview asked whether ABA-approved law schools on the whole will be moving in similar directions or whether they would be likely to take significantly different steps in the future. By and large, the law schools in our sample expect they will converge on a generally similar path forward. Innovation and diversity in future plans are constrained in part by ABA accreditation policies and in part by published results of annual national rankings (U.S. News and World Report rankings were especially singled out).

Resources also impose constraints on the future course law schools will take. Larger and wealthier schools can be expected to offer a greater range of specialties, recruiting students from a broader geographic base and dispersing them more broadly after graduation. Smaller schools will have to offer a reduced set of specialties and may retain a more regional emphasis as well. However, the future vision presents much more in the way of similarities than differences for legal education.
Future Demand for Practicing Lawyers

In addition to inquiring about legal education and related variables that could affect the future supply of lawyers, our interview also asked about the future demand for lawyers and potential influences on demand. The consensus is that the level of demand for lawyers will stay relatively constant or increase somewhat in the coming decade. This expectation is predicated on the assumptions that, other things being equal, growth in population should increase demand; and increasing complexity in the business and regulatory environment should increase demand. If the economy continues to expand, this too could cause demand to increase; on the other hand, an economic downturn would be likely to decrease demand.

Both public and private schools reported that students who graduate from California law schools choose—in the vast majority of cases—to remain in California to practice. And they generally tend to head for the state’s larger cities. On the other hand, it is unclear whether students seek jobs in cities within regions near the schools from which they graduate. These geographic preferences appear to characterize even the graduates who initially came from undergraduate schools outside the state. Besides California’s climate and the health of its economy, respondents cited the state’s growing market for high-technology lawyers and other specialties as an influence. As a corollary, however, respondents predicted a continuing shortage of lawyers in small and rural towns in California.

We also inquired specifically about expected levels of demand for lawyers of color in the future. Respondents indicated that most large law firms have policies that promote diversity in hiring; as a result, in the large-firm market, demand for lawyers of color far outstrips the current supply and will continue to do so in the future. Further, if minority individuals who need legal representation prefer lawyers of color, then their preferences are not likely to be met. In general, economically disadvantaged individuals from all ethnic groups cannot afford legal representation, so their wants do not comprise demand in the economic sense defined in this report. As a side note, several respondents pointed out that graduates from lower socioeconomic strata are most likely to have incurred significant student debt and therefore are least likely to be able to accept low-paying public law positions (although, other things equal, they would like to serve their communities). Consequently, given present trends, respondents expect that today’s underserved constituencies will continue to face a shortage of affordable legal services in the future—indeed, independently of whether there is an increasing supply of lawyers from minority or economically disadvantaged backgrounds.

Finally, anticipated changes in demand for lawyers in particular specialty areas—as noted above—have driven the kinds of changes in specialized educational offerings discussed earlier (see also Figure 5.2). Additionally, interviewees report an increasing demand for lawyers with bilingual skills (especially within international business, trade or immigration law specialties). They also call attention to marked regional differences in demand for different specializations. There is much stronger demand for entertainment law in southern California, while in the far north (and beyond, in Oregon) the demand for environmental law remains robust despite its decline elsewhere. In and around Silicon Valley, not surprisingly, intellectual property law is
growing rapidly in importance; at least in the near future, the demand there is expected to continue to outrun the supply of qualified lawyers, as our literature review suggested.

Changing Approaches to Delivery of Legal Services

Our interview next asked about future changes in the ways that the demand for legal services will be met. The majority of interviewees predicted, first, an increasing reliance on paralegal staff; routine work is likely to be transferred from higher- to lower-paid employees of law firms in order to reduce billing rates to clients. Further, other professionals or paraprofessionals (e.g., scientists and technicians) are likely to become increasingly involved as advisors, especially in legal matters involving advanced technology. Increasing reliance on alternative dispute resolution (ADR) was also anticipated by a majority of respondents—in part because some judges are mandating it, and in part because many client firms are requiring it (to avoid the delays and associated costs of litigation). ADR techniques, respondents underscored, are practiced by both lawyers and non-lawyers. Some interviewees pointed out, however, that both this and the previously cited trend have been predicted before and have not yet materialized in ways that had a major impact on the profession.

A third focus of inquiry had to do with the future delivery of legal services via the Web and the Internet. Here, responses mirrored in general ways the expectations surfaced for distance learning. The availability of easy-to-understand, free, online legal forms has already enabled this trend, which should grow in the future; the same holds for online legal self-help manuals. Such delivery mechanisms are not expected to replace services presently being delivered by lawyers; rather, they are viewed as alternatives for people of modest means whose legal service needs would otherwise go unmet. Web- and Internet-based exchange is also expected to complement more traditional lawyer-client interactions. There is already considerable electronic contact between lawyers and their clients (both firms and individuals), and this trend will only grow. On the other hand, there is considerable skepticism about the potential for completely virtual law firms—firms in which lawyer-client interactions are initiated and completed entirely via the network.

Other Changes in the Professional Environment

Besides changes in how legal services will be delivered, respondents envisioned changes in the types of work settings within which lawyers might provide them. For instance, respondents predicted continuing increases in in-house counsel positions—firms are growing their in-house staffs, and lawyers are increasingly inclined to accept these roles because of the less demanding workloads they impose. By far the most dramatic foreseeable change, however, is the emergence of multidisciplinary practices (MDPs) that deliver legal services along with a range of other business and financial services to clients. Client demand on the one hand and competition on the other are pushing the development of such full-service firms. Currently many lawyers have ethical and professional responsibility concerns associated with MDPs; they fear potential compromises to lawyers’ independence and objectivity. Despite their concerns, most
respondents acknowledge that MDPs are in fact coming, and they thus predict a major shift of lawyers into MDPs in the next decade.

Significant changes are also foreseen in the size and structure of law firms themselves. Specifically, a bifurcated growth trend is anticipated: at one extreme there will be more mergers between law firms as well as between law firms and accounting firms to create what several respondents called megafirms, for firms of unprecedented size with multiple sites and national or even international practices. At the other extreme there will be more small boutique or specialty niche firms that respond to client needs for legal services that embody complex technical knowledge in a particular domain. Some interviewees thought the first trend might actually feed the second—that is, the stressful quality of life in very large firms, combined with the loss of personal relationships to clients, might mean that lawyers would remain in such environments for only a few years before joining a smaller organization. In addition to these kinds of firms, respondents noted, a great deal of work for individual clients will continue to be done by solo or small practices. While seemingly invisible compared to the megafirms, such practices will remain sizeable in number.

In addition to changes in firm sizes and types, interviewees also expect a great deal of mobility on the part of employees. New graduates do not plan to stay long with the firm they first join after graduation. Rather, they choose a firm—often a large firm—which will provide the experience base they seek, with the intent of leaving within the next one to three years. Additionally, lateral moves are increasing, even on the part of senior employees. Already under way, this trend is predicted to continue and grow in the future. Other sorts of changes in the professional environment mentioned by respondents include more flexible work arrangements in the future—largely through the use of information and communication technologies (often termed telecommuting) to enable some work to be done at home (reducing commuting stress and helping to meet the needs of women who are combining legal careers with parenting). Respondents also suggested that increasing firm-to-firm mobility, together with continued technical advance in specialty areas, should require greater investments in continuing education for lawyers in the future.

Our inquiry about whether the trends outlined above would result in major changes in the professional landscape for lawyers in the next decade yielded mixed responses. The uncertainties appear to turn on: 1) the future course of MDPs; 2) the sustainability of megasized multisite firms; and 3) the role information and communication technologies in the conduct of legal work within firms, across firms, and between firms and clients.

We closed our interview by asking respondents what influences they thought would have the most profound impact on outcomes for either the legal profession or legal education in the next 10 years. Top candidates were, broadly speaking, advanced uses of information and communication technology on the one hand and consolidation and economic globalization trends on the other. Taken together, these trends could lead to an unprecedented restructuring of both the profession and the educational path to it.