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Essay on Future of Legal Education

Legal Education for a changing market: *Reconciling tradition with dynamism*

Table of Contents

Introduction	1
Traditional Approaches to legal education	2
Legal Service Market Dynamics	6
Law Schools and Market Changes	10
Conclusion	15
Bibliography	17

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Introduction

Legal education reform has been the subject of discussion for decades. Notwithstanding that the manner in which lawyers are trained has evolved through history, proactively and in response to specific events, calls for legal education reforms have persisted over time through academic literature, Bar reports and contributions to news editorials. Recent calls for legal education reforms have largely been driven by the need to align law school curriculums in terms of content and method, to the requirements of employers and general market trends in the legal service industry. Global market dynamics have indeed impacted the nature of legal services demanded by business clientele, which in turn impacts the expectations in terms of knowledge and skills required of law school graduates. Considering that a career after law school weighs heavily on the minds of law school students, this represents a challenge for all stakeholders of legal education.

This essay compares what broadly represents the traditional approaches to legal education to calls for legal education reforms in response to legal market imperatives. With specific focus on the United States (U.S), United Kingdom (U.K), and Canada, it examines the market driven expectations in terms of scope of knowledge, skills and values that drive these calls for curriculum reforms against what is largely obtainable in law school curricula. It looks at the extent of persistence of traditional approaches to legal education from the perspective of their own values and rationale, even in the context of the modern legal service market. It also considers the influence of market dynamics on legal education and how law schools have been urged to respond to such modern trends. It argues that while preparing lawyers for the contemporary market is crucial to

legal education, maintaining an equilibrium between market demands and non-market values of legal education represents an even more imperative challenge for the legal academia. It concludes that responding to the challenge would require more than just mere curricula adjustments, and that focus ought to be on teaching approaches that prepare lawyers to adapt to market dynamics.

The first part of the essay undertakes an overview of what can be considered traditional approaches to legal education. This part seeks to clarify what comprises the status quo of legal education that has been the subject of calls for reform, and its historical evolution. The second part analyses the conversation between legal education and changing business practices. It considers the influence of market dynamics on demand side of the legal services industry as well as the nexus between evolving business practices, the legal service market and legal education discourse. The third section analyses how law schools have responded to these market trends, taking into account the imperative of balance between competing values within the legal education system.

Traditional Approaches to Legal Education

A synopsis of the content of Anglo-American legal education curriculum broadly includes a conservative set of core courses which still mirror the curriculum of the late 19th century American Law school curriculum.¹ The 19th century curriculum design was guided by the need to achieve scientific knowledge through thorough but planned discussion of the fundamentals of the subject and their application.² To Professor Christopher C. Langdell, teaching law as “a science”

¹ American Bar Association and U.S Bureau of Education, “Courses of Study in Law Schools in 1891”, Committee Report on Legal Education, 1893, pp.44-63, reprinted in Steve Sheppard, ed, *The History of Legal Education in the United States: Commentaries and Primary Sources*, Vol. 1 (Pasadena California and Hackensack, New Jersey: Salem Press Inc, 1999) 542

² Chancellor Emlin McClain, *The law curriculum: subjects to be included and order of presentation: A paper read before the Section of Legal Education of the American Bar Association, Saratoga Springs, August 19, 1896* (Philadelphia: Dando, 1896), online: <<http://galenet.galegroup.com/servlet/MOML?af=RN&ae=F3700364214&srcht=a&ste=14>> [perma.cc/C8FE-MZYB].

was a precursor to it being worthy of university integration.³ The curricula of American law schools in the late 19th Century - at which time the transition of legal education from apprenticeship model to college based law schools was settled⁴ - generally maintained as their core course offerings: contracts, property, torts, constitutional law and history, law of corporations, criminal law, evidence, civil procedure and criminal procedure.⁵ These course offerings at law schools reflect the historic ties between the bar and legal academia which has become institutionalized. The bar and law school relationship is itself a legacy of the transition from the apprenticeship/vocational model of legal education to college (and eventually, university) based education, in which the bar of various common law jurisdictions ceded considerable authority in terms of training of lawyers to the Universities, and focused their attention on the gatekeeping function of ensuring that lawyers were properly prepared for the Bar, through bar examinations as an essential tool.⁶ By retaining the function of gatekeepers of the legal profession through bar examinations which students aspire to pass in order to qualify as lawyers,⁷ the bar exercised influence on law school curricula through bar examination prerequisites.

What represents the traditional curriculum of law schools is therefore the outcome of a governance interrelationship between law schools and the legal profession on the training of aspiring lawyers. Such courses, variously referred to as “foundations of legal knowledge”⁸ “bar

³ Christopher C. Langdell, “Teaching Law as a Science”, address to the Harvard Law School Association, 1886, reprinted in Shepard, *supra* note 1, 514 at 515

⁴ Robert Stevens, *Law School: Legal Education in America from 1850s to 1980s* (Chapel Hill: University of North Carolina Press, 1983) at 24-28

⁵ American Bar Association and U.S Bureau of Education, *supra*, note 1

⁶ Stevens, *supra*, note 4 at 25. See also Andy Boon and Julian Webb, “The Legal Profession as Stakeholders in the Academy in England and Wales” in Fiona Cownie, ed, *Stakeholders in the Law School* (Oregon: Hart, 2010) 65 at 69

⁷ Lorenzo A. Trujillo, “The relationship between Law School and the Bar Exam: A Look at assessment and student success” (2007) 78 U Colo L Rev 69 at 81 - 82, online: < <http://web.a.ebscohost.com/ehost/pdfviewer/pdfviewer?vid=1&sid=4bca5546-829f-430a-b1be-aef5bb4abcaa%40sessionmgr4007> > [perma.cc/6GJZ-QT4E]; See also James P. White, “Legal Education in the Era of Change: Law School Autonomy” (1987) Duke LJ 292 at 301, DOI: <10.2307/1372605>

⁸ Bonn & Webb, *supra*, note 6 at 68

exam courses”⁹ or “indicative profile” courses¹⁰, which typically dominate the core course space within law school curricula, were taught through methods that reflected an unusual convergence of academic as well as vocational concerns,¹¹ or a merger of “science and practicality”¹² to ensure that students were properly prepared for admission into the legal profession. This approach was best reflected in Langdell’s case method which came to define the teaching approach of the Harvard Law School,¹³ by seeking the mastery of legal doctrines through critical examination of the appellate cases that embodied them.¹⁴ The practical application of the case method by Professors engaged students in imaginative activity through the analysis of appellate decisions in terms of doctrinal logic, through a question and answer technique that led to its description as the “Socratic method”.¹⁵ Owing to its recognised capacity to effectively train law students in legal reasoning and legal thinking, and to also accommodate much larger classes made the case method the dominant law school pedagogy by the beginning of the 20th century, and the traditional teaching method of a large number of American Law Schools in years to follow.¹⁶

The case method persists as the traditional pedagogy in law schools and continues to influence the structure of legal education in the United States and most common law jurisdictions. This seems particularly true of the foundation or core courses. According to Jamie Abrams:

Law schools continue to design their budgets, curricular, and student experience on some degree of case-based, Socratic law teaching in large-lecture-style classrooms. It persists in core first-year and bar exam lecture hall classes particularly. Whether out of necessity, efficacy, sustained

⁹ Trujillo, *supra*, note 7 at 81

¹⁰ In the case of Québec. See Claude Thomasset & René Laperrière “Faculties Under Influence: The Infeudation of Law Schools to the Legal Professions” in Fiona Cownie, ed, *The Law School - Global Issues, Local Questions* (Aldershot: Ashgate/ Dartmouth, 1999) 190 at 192

¹¹ Bonn & Webb, *supra*, note 6 at 68-69

¹² Stevens, *supra*, note 4 at 56

¹³ *Ibid.* at 52. Stevens clarifies that the case method was not originally Langdell’s invention, but became known as his owing to his “*determined and systematic application of the approach*”.

¹⁴ *Ibid.*

¹⁵ *Ibid.* at 53

¹⁶ *Ibid.* at 63-64

reverence, or agnostic indifference, law schools continue to deliver a large portion of legal education in this format.¹⁷

While the accuracy of the above statement for every law school may appear debatable, there may be a common thread to the various perspectives. For instance, two scholars writing on the state of modern legal education respectively estimated Professor Langdell's view of today's law schools, with almost conflicting outcomes. To Judith Areen, "Langdell would not recognize most law schools today because they have moved beyond the limitations of the case method with its narrow focus on appellate opinions".¹⁸ To Sally Kift, "...if Professor Langdell walked into a contemporary law school in the US or Australia ... he would feel right at home ... the nature of the core curriculum, the dominance of doctrine, and the basic approach to pedagogy have changed very little".¹⁹ However, the common thread which traverses both views of today's law school curriculum is that notwithstanding the introduction of specialized and clinical elective courses, the teaching methods applicable to the foundations or core courses which form the central component of law school curricula continue to deploy case law as a means of analysing principles of law, with the principal emphasis placed on students' capacity for legal reasoning and their ability to "think like a lawyer". It is apposite to state that even where the lecture format dominates the law school pedagogy, teaching and learning legal doctrines through analysis of appellate court judgments remain at the core of academic experience in law schools, as case law analysis, which lies at the heart of the Socratic method, continues to represent the teaching approach in law schools. Glofcheski captures a broad perspective of the law school curricula landscape as follows:

¹⁷ Jamie R. Abrams, "Reframing the Socratic Method" (2015) 64:4, *J Leg Educ* 562 at 563

¹⁸ Judith Areen, "Legal Education Reconsidered" 2016 James P. White Lecture on Legal Education, reprinted in (2017) 50:4 *Ind L Rev* 1087 at 1099 online: < <https://heinonline.org/HOL/P?h=hein.journals/indlr50&i=1129>>

¹⁹ Sally Kift, "First Year Renewal to Engage Learners in Law" 7th Pacific Rim First Year in Higher Education Conference, 2003, cited in Rick Glofcheski, "Rethinking Teaching, Learning and Assessment in the Twenty-First Century Law Curriculum" in Christopher Gane & Robin Hui Huang, eds, *Legal Education in the Global Context: Opportunities and Challenges* (Farnham: Ashgate 2017) at 133

At the risk of some over-simplification, let us consider the typical learning experience in a law school today. A law course typically consists of a course syllabus, a case reading list, lectures, and in the UK model, small group tutorials. Law is learned through the reading of cases and/or case extracts, and the reading of other teacher-assigned materials such as journal articles and extracts. Students learn legal principles as derived from case law and legislation. They attend classes in which the teacher subjects the cases to critical analysis, in order to expose contradictions, and students play a small, often passive, role... The main (perhaps the only) expected learning outcome is the mastering of legal knowledge and the ability to solve legal problems through issue identification and legal reasoning.²⁰

A few factors have been identified as possible root causes of the foregoing observations which tend to suggest a trend of slow innovation in law schools, one of which is the tendency towards intergenerational continuity - law school Professors often modeling their course design and teaching after memories of their own learning experience as law school students.²¹ It has also been suggested that the relative significance of research achievements compared to teaching in measuring academic career success inevitably influences law school faculty to prioritise research over teaching.²²

The relatively conservative approach to legal education has drawn criticism on many fronts, one of which questions the suitability of the curricula of law schools to adequately train lawyers for the present-day market realities, which seem to change what it means to be a lawyer in terms of skills required by the nature of work associated with prevailing market trends.

Legal Service Market Dynamics

The legal profession, the demand side of the legal service market, and legal education are inextricably intertwined. As the legal service market comprises of potential employers of law

²⁰ *Ibid.* at 136

²¹ *Ibid.* at 134; See also David M. Moss “Legal Education at the Crossroads” in David M. Moss and Debra Moss Curtis, eds, *Reforming Legal Education: Law Schools at the Crossroads* (Charlotte: IAP, 2012) 1 at 4

²² *Ibid.*

school students - law firms, legal departments of corporations, governmental agencies, and other legal-services employers – the interrelationship between the legal service market and law schools arguably places the market among stakeholders in legal education. Each of these stakeholders – law schools, students and legal service employers, are vital to each other. Developments in the legal service market, therefore, have implications for legal education, particularly the prospective careers of students trained in law schools, to whom employment considerations prospects count.

Indeed, these developments in a service industry have been enormous and far reaching, as emerging economic trends, innovations and corporate practices continue to significantly change the dynamics of doing business in the legal services market. Legal services traditionally required by clients from law firms, and for which law students are trained, are increasingly being systematized and reduced into reusable commodities.²³ This has seen the emergence of the “lawtech” industry with access to the public for routine legal services such as wills, contract management and analysis, practice management as well as risk and compliance.²⁴ Interestingly, law firms make up a large percentage of the target customer base for these tech innovations, while a considerable number of founders and Chief Executive Officers of such ‘lawtech’ start-ups are lawyers,²⁵ which is indicative of the fact that the market dynamics are both internal and external to the profession.

Traditional legal services are also experiencing competition from other professional service providers, including accounting and management consulting firms. Owing to the liberalization of the legal service market (in the case of the United Kingdom) and competition for administrative

²³ See generally Chris Johnson, “Leveraging Technology to deliver Legal Services” (2009) 23;1 Harvard JL & Tech 259, online: < <https://jolt.law.harvard.edu/assets/articlePDFs/v23/23HarvJLTech259.pdf> > [perma.cc/6LZZ-SDTS]

²⁴ *Ibid*

²⁵ Samantha Steer & Jimmy Vestbirk, “Movers and Shakers: UK Lawtech Start-ups” online (pdf): *Thomson Reuters* < http://info.legalsolutions.thomsonreuters.co.uk/legalgeek?utm_campaign=AS39490/001&utm_source=5170103A&utm_medium=BlogLegalSolutions > [perma.cc/Q6D8-HFYN]

and process-based work that typically do not necessarily require the expertise of lawyers²⁶, other professional service firms tend to offer a multidisciplinary mix of more cost effective professional services of which legal advisory counts only as a component.²⁷ Compared to lawyers who are typically trained to function in transaction work as legal counsellors and operate from mono-professional (law) firms, other multidisciplinary professional service firms may have a competitive edge, from an economics of scale perspective, to provide the constellation of diverse professional services that are, together, required by business clients to navigate the complexities of their respective markets.²⁸ In effect a segment of law practice is at a disadvantage with respect to corporate clients who give overarching priority to cost and efficiency to clients.²⁹

Furthermore, in-house Counsel increasingly demand for a cost-rationalization approach to billing practices from law firms to whom they outsource work – a development traced to the effect of the 2008 financial crisis on corporations, leading to corporate legal departments being asked to operate under budget constraints,³⁰ also has considerable effect on the legal service market. Developments within modern corporate legal departments has seen an increased insourcing of legal work traditionally outsourced to law firms, which follows the trend of corporate legal departments hiring experienced Counsel from big law firms and being seen themselves as unique inside law firms to their corporations,³¹ as well as the utilization of ‘lawtechs’ and other systematic

²⁶ Mary C. Daly “The Structure of Legal Education and the Legal Profession: Multidisciplinary Practice, Competition, and Globalization” (2002) 52:4 J Leg Educ 480 at 485-486

²⁷ *Ibid*

²⁸ *Ibid*

²⁹ *Ibid*

³⁰ Richard Susskind “Key trends in the legal marketplace” report on trends and developments in the legal marketplace submitted to the Canadian Bar Association as an initial contribution to its Legal Futures Initiative, online (pdf): Canadian Bar Association: <http://www.cba.org/CBAMediaLibrary/cba_na/PDFs/CBA%20Legal%20Futures%20PDFS/Susskind-Linked-eng.pdf> [perma.cc/6MV7-5LP5]

³¹ Ben W. Heineman, Jr. “In the beginning” *Corporate Counsel* (April 2006), reprinted online: ALM <http://www.law.harvard.edu/programs/corp_gov/articles/Heineman-CC-In-the-Beginning-April06.pdf> [perma.cc/58JB-DKJ8]

tools that utilize artificial intelligence for legal work of a routine nature, leading to the evolution of legal operations professionals.³²

Most in-house Counsel also reportedly see their prime responsibility from the perspective of legal risk management, rather than the traditional problem solving, which remains at the heart of legal education— a move from providing reactive service to a more proactive approach, which they also demand of law firms³³. The nature of in-house Counsel work involves an understanding of not only legal issues affecting the business of their corporations, but also the business of the corporation, its competition and the markets in which the business operates.³⁴ Indeed, lawyers do progress from corporate counsel to mainstream management.³⁵ The implication of these developments within corporate legal departments is pressure on law school curriculum to expand beyond traditional law courses to cover understanding of business fundamentals, technology, finance, productivity, as well as process and project management.³⁶

The foregoing factors translate to potential decline in employment prospects of law school graduates, contemporaneously with increased cost of legal education especially in the US, as a consequence of these innovations and approaches,³⁷ thereby giving impetus to market driven criticism of contemporaneous legal education structure on the basis of its practical utility in the current legal service market. Business are reportedly identifying “a mismatch between skills being developed through education and those required in the work-place”.³⁸ Legal education is

³² Deoitte “The Legal Department of the Future: How disruptive trends are creating a new business model for in-house legal” online <(pdf): Deloitte Development LLC <<https://www2.deloitte.com/us/en/pages/advisory/articles/legal-department-of-the-future.html>> [<https://perma.cc/LE3D-L6MM>]

³³ Susskind, *supra*, note 28 at 24

³⁴ Heineman, *supra*, note 29

³⁵ *Ibid.*

³⁶ Richard Susskind, *Tomorrow's Lawyers: An introduction to your future* 2nd ed (Oxford: Oxford University Press, 2017)

³⁷ Paul Campos, “The Crisis of the American Law School” (2012) 46:1 U Mich JL Ref 177, online: <<https://heinonline.org/HOL/P?h=hein.journals/umijlr46&i=185>>

³⁸ Deloitte “Developing Legal Talent: stepping into the future law firm” February 2016, online (PDF): Deloitte LLP <<https://www2.deloitte.com/content/dam/Deloitte/uk/Documents/audit/deloitte-uk-developing-legal-talent-2016.pdf>> [perma.cc/GF8K-DNXXB]

considered from this perspective to have lagged behind the market in terms of skills required for lawyers to function in the current and future legal service market, which is projected to change rapidly over the course of the near future. Market oriented critics of legal education have argued for curricula changes that match the nature of work seen or foreseeable in the 21st century legal service market, including a broader horizon of thinking and interdisciplinary perspectives. Propositions for such curricula reforms include the incorporation of skills and competencies, such as “legal risk management, legal project management, legal process analysis, and legal knowledge engineering”,³⁹ as electives that position law school graduates for the 21st century legal industry while retaining the “classic first year courses”.⁴⁰

It seems plausible to say that the market driven criticism of traditional law school curriculum is neither against the relevance of the core courses, nor targeted at the learning objective of thinking like a lawyer. What lies at the core of calls for alignment of legal education with the dynamics of the legal service market is an expansion of the scope of law school curricula to accommodate knowledge and skills to bridge the perceived gap between law school training and the acumen required to be relevant within the fast changing modern legal service market, whether in law firms or corporate legal departments.

Legal Education and Market Changes

The question for legal education is how the system can respond to the enormous pressure for adaptation of the law school curriculum to the dynamics of the legal service market, in which “students wish to obtain return on their investment and employers seek employees who are

³⁹ Daniel Martin Katz “The MIT School of Law? A Perspective on Legal Education in the 21st Century” (2014) U Ill L Rev 1431 at 1465-1466, online: < <https://illinoislawreview.org/wp-content/ilr-content/articles/2014/5/Katz.pdf> > [perma.cc/8UNZ-J64U]

⁴⁰ *Ibid*

immediately useful”.⁴¹ From a law school perspective, however, the pertinent consideration is not as simple as a curriculum that serves the labor market but one that meets the balance of theory and practice required of a curriculum to best serve all concerned parties.⁴² Achieving such a balance goes beyond merely adding elective courses that address perceived knowledge and skills gap, especially in the light of the fact that a law school curriculum of an average of three years can only take so much, as Moss and Curtis note:

We must acknowledge the harsh reality that we simply cannot teach our law students everything of importance underpinning the law and legal practice...Addressing programmatic issues as they arise by merely adding courses to an already overstuffed curricular sequence without the consideration of what we value in terms of knowledge, experience, behaviors, and outcomes, we are doomed to fail in our efforts to improve the quality of legal education for our students.⁴³

Incorporation of more specific market-oriented elective courses to law school curriculum for the purpose of bridging the knowledge and skills gap between legal education and the market to an already tight curriculum is therefore not consistent with concurrently maintaining the traditional core courses. It may entail the addition of extra-time to a law school program or trade-offs with other courses, including the traditional core and other courses on the law school curriculum that may be of utilitarian value to legal education.⁴⁴ A focus on curriculum reforms should ideally extend beyond a routine compilation or substitution of content for the purpose of addressing market expediency. It should necessarily involve a philosophical consideration of the normative value associated with what is being displaced, substituted or thought, as well as their teaching and learning methods.⁴⁵

⁴¹ W. Wesley Pue “Legal Education’s Mission” (2008) 42:3 *The Law Teacher*, 270 <DOI: 10.1080/03069400.2008.9959788>

⁴² Moss, *supra* note 21 at 5

⁴³ David M. Moss & Debra Moss Curtis, “Essential Elements for the Reform of Legal Education” in Moss & Curtis, *supra* note 21 at 223

⁴⁴ Pue, *supra* note 38 at 282

⁴⁵ Moss, *supra* note 21 at 2, 5

The value system of legal education extends the commitment of law schools beyond the legal service market. Legal education's mission is also seen as committing law schools not only to produce graduates who are employable in the legal service market but to also foster an orientation of justice, integrity, ethical sensitivity and social responsibility, owing to the position of the legal profession as a public service on whom the general public depends for access to justice.⁴⁶ Law school curriculum must therefore necessarily pay attention to market as well as public interest through a balance of legal knowledge and skills, as well as a sense of public duty. Redmond aptly notes this responsibility:

To law schools then falls the responsibility of inculcating the "social responsibility which rests upon a public profession". This responsibility calls on law schools to impress on students that law is closely related to the pursuit of justice with individual and collective responsibilities to place professional skills at the service of justice and fellow citizens. Law schools do not discharge their responsibilities merely by imparting academic proficiency: "the lawyer's task is ultimately concerned with justice and ... any legal teaching that ignores justice has missed most of its point.

The social responsibility of law schools situates them within the liberal education community in which legal education must, at the very least, entail "liberal education as well as professional education".⁴⁷ These views draw support from the United States Carnegie Foundation's Educating Lawyers report, 2007, which emphasises the centrality of legal education to public virtues and morals.⁴⁸ This social responsibility of law schools justifies the traditional design of law school curriculum and the importation of theories and perspectives that offer social and historical context to legal education, which may not be relevant to the modern market and

⁴⁶ Paul Redmond, "The Values Dimension of Legal Education: Educating for Justice and Service" in Gane & Huang, *supra* note 19 at 101

⁴⁷ *Ibid* at 102

⁴⁸ Pue, *supra* note 38 at 278

seem otiose. However, they play the pertinent function of underscoring law as a vital component of social life.

Although law school curricula have not changed substantially since the 20th century, modest accommodations have yet been made in terms of course content and programme structure in response to market imperatives. An overview of elective course offerings in upper JD programs reflects an accommodation of specialization opportunities for law students in diverse markets through a deep pool of upper year course options.⁴⁹ The strategy of “optionization” enables students with specific career aspirations to tailor their upper year courses according to their relevance to those career options, and also has the benefit of engaging students intellectually while preparing them for unpredictable futures.⁵⁰ These varied upper year course options serve as testing ground for new ideas⁵¹, provide law schools with the flexibility required to respond to market trends and approach a specific subject of law through interdisciplinary approaches, and also utilize practitioners and experts in the industry as adjunct Professors⁵², thereby giving students the benefit of insight to contemporary market trends.

A common trend in many law schools is the option of joint programs which enables aspiring lawyers to study law in tandem with another discipline. Dual degrees have been particularly common with the JD/MBA option which dates back to 1960,⁵³ which offer students the opportunity to receive legal education alongside an education in business management and has been replicated in joint degrees designed for the study of law and other disciplines such as Public

⁴⁹ Deborah Jones Merritt and Jennifer Cihon “New Course Offerings in the Upper-Level Curriculum: Report of an AALS Survey” (1997) 47:4 J Leg Educ 524

⁵⁰ Harry Arthurs, “The Future of Legal Education: Three Visions and a Prediction” (2013) Osgoode Hall Law School Comparative Research in Law & Political Economy Research Paper No. 49/2013 at 9

⁵¹ *Ibid*

⁵² See generally, Merritt & Cihon, *supra* note 47

⁵³ Steve O. Michael & Leela Balraj “Higher education institutional collaborations: an analysis of models of joint degree programs” (2003) 25:2 J High Educ Pol Manag 131 < DOI: 10.1080/1360080032000122615 >

Health, Public Policy, Public Administration and Urban Studies. Such joint degree programs are instituted in response to trade and market demand of diversity and broad horizon on graduates of institutions.⁵⁴

The combination of varied upper year course options and joint degree programs provide law schools with the flexibility to adapt to the legal service market dynamics without a trade off with legal education's values of training law students to 'think like lawyers' and also maintain its fidelity to the social responsibility of producing lawyers with integrity and sense of duty to public good. Such a balance is relevant even for the purpose of ensuring the adaptability of lawyers not only to current but also future market dynamics. Market trends are always unpredictably disposed to change. There is therefore merit in maintaining 'thinking like a lawyer' as the fundamental learning objective of legal education.

Arthurs asserts that the analytical and critical skills developed through a training of law students to think like lawyers can be deployed over time and across a wide variety of legal and non-legal contexts.⁵⁵ He argues that a focus on thinking skills, theory and interdisciplinarity in law school curricula will enable law graduates to be sophisticated and adaptable, as intellectual abilities, rather than professional competencies, are decisive factors in the legal service market.⁵⁶ Arthurs's view represents a more functional direction for an equilibrium between the legal education's social responsibility and market changes. Indeed, the most implicit quality of trends is their temporality. What is most important is not a mastery of trending knowledge and skills but the ability to adapt to market disruption.

⁵⁴ *Ibid*

⁵⁵ Arthurs, *supra* note 48 at 11

⁵⁶ *Ibid*

In response to the need to prepare lawyers for the everchanging business environment surrounding the legal profession, the focus of legal education should not be restricted to curricula adjustment but should indeed be mainly on the teaching and learning approaches that seek to entrench skills or capacity of legal trainees to adapt to evolving and unpredictable trends. Changes to course contents may prepare lawyers for a market trend that may yet be overtaken by future changes, but a focus on how to make lawyers adaptable may prepare lawyers for more sustainable careers in an ever-changing legal service market, while also maintaining the core values of law to society at large.

Conclusion

Traditional law school curriculum still remains built around a set of core courses in which legal principles are taught predominantly through analysis of appellate court decisions. The underlying philosophy emphasises teaching law students to think like lawyers. Innovations and disruptions within the legal service market has prompted calls for law school curriculum reform in order to address the skills gap noticeable between legal education and employment, and also to enable law graduates to be relevant in today's legal market.

Law schools on their part, have value commitments that extend beyond training aspiring lawyers for the legal service market. The curriculum of law schools reflects not only a need to serve the legal service market but also society at large. Given the limits of time and space for course content in a law school program, a radical curriculum adjustment in response to market trends may not be effective in the long run. More emphasis ought to be placed on intellectual capacity and skills which can enable lawyers to adapt to changing markets contexts over time.

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