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Law Schools Should Be about Justice Too

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LAW SCHOOLS SHOULD BE ABOUT JUSTICE TOO

HENRY ROSE¹

I.	INTRODUCTION	443
II.	DIMENSIONS OF THE PROBLEM	444
	A. <i>Student Aspirations</i>	444
	B. <i>The Impact of the Traditional Curriculum</i>	446
	C. <i>Placement</i>	447
III.	RESPONSES TO THE PROBLEM	448
	A. <i>Professional Socialization of Students</i>	448
	B. <i>Approaches to the Traditional Curriculum</i>	450
	C. <i>The Clinical Experience as an Essential Part of the Process</i>	451
	D. <i>Relationship to the Bar</i>	452
	E. <i>The Impact of Educational Debt</i>	453
IV.	CONCLUSION	454

I. INTRODUCTION

Adelle Simon is 66 years old. Her husband died recently after a long illness. Mrs. Simon is upset because Medicare is only paying for a small portion of her husband's nursing home care. She is also confused because her husband's former employer has informed her that she has no right to receive benefits under its health and pension plans.

Howard Jackson, 54, recently lost his job when the factory where he worked relocated. He has been unable to find another job and his unemployment insurance benefits are about to run out. He has missed his last three mortgage payments and his lender is threatening to foreclose on his home.

Brenda Allen, 28, has two young children. They receive welfare benefits. To make ends meet, she occasionally babysits for neighbors. When Ms. Allen's welfare caseworker learned about the babysitting money, he terminated her welfare, food stamps and medicaid benefits.

Jason Roberts, 8, is homeless and hungry. The state desires to take Jason from his father because his father does not adequately support him.²

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² Although these persons are fictitious, their legal problems are representative of legal problems that many Americans face.

All of these people have legal problems. None can afford to pay an attorney to help them. While their legal problems are serious, they are not remarkable. Millions of low and middle income Americans face similar legal problems every day. Most cannot afford an attorney.

What is remarkable about these legal problems is that they are ignored by legal educators. American law schools, the training ground for our lawyers, do not focus on the civil legal problems of low and middle income persons. American law students are taught to focus on the legal problems of persons or entities able to pay for legal services.

Not only are the common legal problems of Americans not studied in our law schools, the maldistribution of legal services in the society is barely even acknowledged by legal educators. Law students are not asked to examine the profound implications of a legal system that is virtually inaccessible to the majority of persons it purports to serve. America does not have too many lawyers; it has too many lawyers serving too few people.

One consequence of the law schools' inattention to the legal needs of a large majority of Americans is the low incidence of pro bono work by practicing attorneys. Current data indicate that only 1 in 6 American lawyers volunteer to participate in bar-sponsored pro bono programs.³

The lack of commitment of both the academy and the bar to addressing the legal needs of low and middle income Americans reflects a deep erosion of professional values. The essence of professionalism—the commitment of attorneys to perform public service—is being undermined by the economic pressures of the legal marketplace.

This article describes how American law schools fail to teach law students about the public service responsibilities of lawyers. It also explores ways legal educators can better prepare their students to perform these responsibilities in their legal careers.

II. DIMENSIONS OF THE PROBLEM

A. Student Aspirations

Many students are at least partly attracted to law school due to their own social, political or moral values. They perceive that lawyers shape social policy and redress the legitimate grievances of individuals and groups. They view a legal career as an opportunity to contribute to the advancement of social good.

These altruistic aspirations are often subverted by the process of legal education. Stover and Erlanger's insightful book, *Making It and Breaking It*,⁴

³ ABA CONSORTIUM ON LEGAL SERVICES AND THE PUBLIC THROUGH THE PRIVATE BAR INVOLVEMENT PROJECT, AMERICAN BAR ASSOCIATION, THE 1991 DIRECTORY OF PRIVATE BAR INVOLVEMENT PROGRAMS: 1990 STATISTICAL ANALYSIS 4 (April, 1991).

⁴ ROBERT V. STOVER, MAKING IT AND BREAKING IT: THE FATE OF PUBLIC INTEREST COMMITMENT DURING LAW SCHOOL (Howard S. Erlanger ed., 1989).

chronicles the weakening of altruistic values among law students from matriculation to graduation. As a result of this change in values, the number of students who plan to pursue full-time careers in public interest work declines by half in law school.⁵

Erlanger and Stover attribute the change in student values to several factors. The first factor is a lack of emphasis in the standard law school curriculum on social justice issues and the general devaluation of these concerns by law school teachers.⁶ Second, the intensity of the first year experience focuses law students on survival issues, disengaging them from their altruism.⁷ Third, students who have strong social justice concerns lack a subculture of persons within their schools to explore their interests and support their marginal status within the law school community.⁸ Finally, student anxiety related to financial compensation and job satisfaction leads many students to career paths that offer more lucrative remuneration and, what is perceived to be, more craft satisfaction than public interest work.⁹

Stover and Erlanger are not the first critics of the way that legal education undermines altruistic values among law students. However, they frame the critical question well: What should the educational goals of law teachers be relative to the social justice ideals of their students?

Law school is an important stage in the process of moral and vocational development for law students because it is a time when most move from general to specific career goals. Legal education also offers students the broadest and most reflective exposure to the norms and mores of the legal profession. Thus, law school is a crucial opportunity for legal educators to impart professional values to students.

Legal education should not be about ideology. But it should be about transmitting to students clear notions of what is expected of the "good lawyer", as embodied by applicable codes of ethics and each law school's vision of professionalism. In too many law schools, reflection on the public service responsibilities of lawyers is reserved for perfunctory presentation on ceremonial occasions. In deference to objective legal analysis and the preoccupation with the economic concerns of legal practice, the perspectives of the "good lawyer" are not included in most classroom discussions. The result is an educational process that underemphasizes professional values and erodes students' inchoate social justice ideals. The phenomenon of students entering law schools wanting to do good and leaving wanting to do well is perpetuated.

⁵ *Id.* at 3, 12-13.

⁶ *Id.* at 2-3, 52-53.

⁷ *Id.* at 45-46, 50-51.

⁸ *Id.* at 59-61.

⁹ STOVER, *supra* note 4, at 23, 34-35.

B. The Impact of the Traditional Curriculum

Law schools are best defined by their curriculum, not only what is taught but how it is taught. The core curriculum of most law schools not only does little to nurture the social justice values of students, it undermines these values.

What law students do learn focuses disproportionately on the legal problems of those who can afford legal services. Numerous law school courses concentrate on the legal problems of commercial entities and the goal of the wealthy to preserve their assets. Few courses focus on the civil legal problems of poor and middle income persons. For example, the study of the Social Security Act, one of two laws that has greatest impact on American citizens (the other being the Internal Revenue Code), is not included in the curriculum of most American law schools. In those courses that do study the common legal problems of all Americans (e.g., contracts, property, income tax, estates), the focus is usually on the legal problems of those persons or entities with substantial assets.

The public roles of lawyers also receive insufficient attention in legal education. Lawyers dominate the public policy-making processes in the legislative and executive branches of all levels of American government. Yet, in most law school classrooms, the discussion of the normative aspect of legal rules—what the law should be—are infrequent. Legal problems are usually examined from the perspective of aggrieved parties rather than society at large.

Legal representation of individuals also has an essential public dimension. Access to our legal system represents access to one of the three vital organs of American democracy. Individuals and entities can meaningfully influence public policy only if they have ready access to all three branches of government: the executive, the legislative and the judicial. If access to our legal systems is compromised, democracy suffers. As the distinguished jurist, Learned Hand, stated:

If we are to keep our democracy, there must be one commandment:
Thou shall not ration justice.¹⁰

Yet, nearly 85% of the American public have very limited access to our legal systems because they cannot afford legal representation.¹¹ It is intellectually outrageous as well as professionally inexcusable that the multi-dimensional problem of access to the judiciary is not analyzed in law schools. It is from the

¹⁰ Learned Hand, Address to the Legal Aid Society of New York (Feb. 16, 1951). See 9 Brief Case, No. 4, 5.

¹¹ United States Census Bureau data reveals that 13.5% of Americans lived below the poverty level in 1990. See William Neikirk, *Young Are Hit Hardest in First Drop Since '83*, CHI. TRIB., Sept. 27, 1991, at 1. The United States Supreme Court has also recognized that the middle 70% of the American population has inadequate access to legal services. *Bates v. State Bar of Arizona*, 433 U.S. 350, 376 (1977) (citing AMERICAN BAR ASSOCIATION, REVISED HANDBOOK ON PREPAID LEGAL SERVICES 2 (1972)).

law schools that solutions to this problem should be conceived and articulated. Law students should be challenged to assess their responsibility as members of a profession that serves only a small fraction of the American population.

Law schools are now required to teach courses in professional responsibility. Such courses offer law schools the opportunity to examine the public roles of lawyers and expose students to the mores and responsibilities of the profession. In most professional responsibility courses, however, the primary focus is on disciplinary rules regulating lawyer conduct. The thrust of these courses relates to how lawyers can avoid disciplinary action rather than examining what it means to be a "good lawyer" in a profession with important public responsibilities.

The implicit messages of traditional law school pedagogy are equally damaging to the social justice ideals of students. Law students are trained to be neutral—to objectively analyze legal problems and to present arguments from all sides. This is an important part of the process of teaching analytic skills. Yet, it leaves students with a sense of moral relativism about the work of lawyers—a sense that any argument is legitimate. It ignores the normative dimension of the law—the examination of what the law should be apart from the interests of aggrieved parties. It cuts students off from the moral and social values that initially attracted many of them to a legal career. It ignores the need for legal practitioners to reconcile their own beliefs and values with the roles they must perform as lawyers.

The methods and tools of the typical classroom teacher also send students implicit messages about lawyering. The appellate cases that are studied generally only involve parties who have been able to afford the enormous expense of trial and appellate litigation. The hypothetical problems raised in classroom discussions and the questions asked on examinations usually emphasize legal problems in which pecuniary interests are paramount. Even the humor used frequently in law school classrooms is rooted in the notion that the fee is the lawyer's primary concern. The message of the curriculum is not lost on students: "real lawyers" represent persons who can pay for their services.

C. Placement

The percentage of law school graduates pursuing public interest careers has declined by half in the last decade.¹² Most of the resources of the placement offices of American law schools are devoted to assisting students to find private employment. The placement needs of students with public interest goals, either full-time or pro bono, are too often neglected by law schools.

Assisting graduates to find employment has become an essential function of American law schools. Student concern about job placement is growing, especially as the job market shrinks. For most schools, a prime measure of

¹²NATIONAL ASSOCIATION OF LAW PLACEMENT, 1990 EMPLOYMENT REPORT AND SALARY SURVEY 10 (1991).

success is the percentage of graduates who are initially employed in large, prestigious law firms.

Nevertheless, at many law schools the educational and placement functions are poorly coordinated. Law professors complain that during the interview season class attendance and preparation deteriorate. Many faculty view the career choices of their students as irrelevant to their work as educators. Consequently, most faculty view the placement function as external to the function of the law school.

In fact, however, law school faculty are responsible for the entire law school enterprise, including the placement function. Many placement personnel would welcome more faculty involvement in their work, to reduce misperceptions and to better coordinate law school activities. From an educational perspective, law teachers cannot hope to effectively shape the professional development of their students if they are unfamiliar with the settings where they will eventually practice. Legal educators must understand the dynamics of legal practice if they are to adequately prepare their students for it. This necessitates increased exchanges between academics and practitioners about the profession and appropriate training for it. One direct way that academics and practitioners are linked is through the placement activities of law schools. Faculty members must be more involved in these activities.

Some argue that market forces are the key factors undermining student public service ideals. There are only a small number of public interest positions available each year for law school graduates. The high debt load of many graduating students precludes their acceptance of low-paying public interest jobs. Many law school placement offices, therefore, do not devote significant resources to assisting students to obtain public interest positions.

But the rate of placement of law school graduates in full-time public interest positions is not the true measure of whether students' public service values survive law school. A more accurate measure is whether most law school graduates accept responsibility for the problems of inadequate access to legal services and are sensitive to the public roles of lawyers, regardless of the setting in which they choose to work. A "good lawyer" is concerned about these issues and is prepared to perform pro bono work or provide other community service that helps to improve social conditions. Unfortunately, too few law school graduates are adequately trained to be "good lawyers", ready to fulfill their responsibilities to the public.

III. RESPONSES TO THE PROBLEM

A. Professional Socialization of Students

During the past century, American legal educators have focused on developing craft competence in their students. In the late 1800's, the casebook method of instruction was introduced to teach students about legal doctrine and legal reasoning. Although there were scattered earlier efforts, the significant expansion of clinical programs that occurred in the late 1960's and early 1970's has improved the law schools' ability to teach practice skills.

The combination of these methodologies have prepared law students to be more competent practitioners. But competence is not enough. What is also

essential to the training of lawyers is a full exploration of the meaning of professionalism.

Being a lawyer is not merely an occupation or craft. It is a vocation. It should include a commitment to use one's skills to improve the social order and to remedy injustice. Pound's definition of a profession remains vital:

Historically there are three ideas involved in a profession, organization, learning, and a spirit of public service. These are essential. The remaining idea, that of gaining a livelihood is incidental.¹³

Attention to professionalism must be the seamless fabric of legal education. It should not be relegated to ceremonial occasions when it is highlighted and then quickly forgotten. The entire enterprise of legal education, from classroom to student and faculty conduct, must be infused with the sense that being a lawyer includes special responsibilities beyond the interests of self and client.

Stover and Erlanger pointed out the corrosive effect that traditional legal education has on the social justice values of students. Rather than subverting these values, legal education should honor and nourish them. Legal educators must consistently impart to their students the vision of a legal career as a vocation—a calling to serve others. Students must appreciate that being a lawyer includes actively attempting to improve the systems that affect people's lives, regardless of the financial rewards to the lawyer. Students must understand that if ordinary people are denied the benefits of our legal system, the system, the social order and the legal profession suffer.

Student values must be accepted by legal educators without ideological evaluation. Modern students may be less concerned about the rights of persons accused of crimes and may be more concerned about the rights of victims of crime than students were 20 or 30 years ago. The political orientation and social values of current students may be vastly different than those of their teachers. These ideological concerns are irrelevant. What is imperative is that students and teachers share a vision of the lawyer as a person whose professional responsibilities include public service, in whatever form it may take for each individual.

Law students have demonstrated strong leadership concerning issues of professionalism, particularly as they relate to lawyers' public service responsibilities. They have created, within their schools, student organizations whose purpose is to encourage public interest commitments among students. These groups have raised money to support summer public interest employment for students and permanent public interest positions for graduates. Students are encouraging law schools to provide debt relief for graduates who enter public interest positions. Law student groups from dozens of law schools have affiliated to form a national organization, the National

¹³Roscoe Pound, *What is a Profession?* 19 NOTRE DAME LAW. 203, 204 (1944).

Association of Public Interest Law, to provide coordination, a clearinghouse and an advocacy function for their activities.

One very important effort that law students are currently promoting is mandatory pro bono—a requirement that law students volunteer a certain amount of time to the provision of legal services to indigent persons. Several law schools have decided their students must perform pro bono service as a requirement of graduation.¹⁴

While mandatory pro bono programs are controversial, they are certainly a response to the right question. As one dean stated it, the discussion of a mandatory pro bono proposal engaged the students and faculty at his school in a searching inquiry into their personal and collective responsibilities to perform pro bono work.¹⁵ The proposal forced the participants in the discussion to examine an important issue that law schools and the profession have too long avoided.

No matter what one's opinion is concerning mandatory pro bono, the discussion of the issue in law schools is healthy. It forces participants to develop their own notions of what the public service responsibilities of the profession mean. It sharpens a law school's sense of its relationship to the community. It elevates issues of professionalism to an appropriate place on the law school agenda. It is an issue worth addressing at every law school in the country.

B. Approaches to the Traditional Curriculum

Law students should begin their studies with a thorough understanding of the important public roles of lawyers in America. They should examine the implications of limited access to legal services and to the legal system in our democratic system of government. The significance of legal involvement in the country's social order, as articulated by persons like Tocqueville, should be examined. The public-policy making roles of lawyers at all levels of government should be studied.

The problem of access of low and middle income persons to America's legal systems must receive special attention. If persons cannot enforce their legal rights, these rights have little meaning. The access problem must be analyzed rigorously and students should be challenged to devise solutions to it.

Law school curricula need to include more courses focusing on substantive topics relevant to the legal problems of indigent persons and other traditionally underrepresented groups. Since persons in these groups often rely on government assistance for financial subsistence, they experience a higher incidence of legal problems than any other segment of society. Their legal problems are deeply imbedded in the most serious social issues of our time: discrimination, education, health, shelter, employment, and welfare. Students

¹⁴ Among these schools are Florida State, Hawaii, Louisville, Pennsylvania, Richmond, Stetson, Touro, Tulane and Valparaiso.

¹⁵ Dean Ivan Bodensteiner, address to the Society of American Law Teachers Conference (Sept. 15, 1990) (Bodensteiner is Dean at Valparaiso Law School).

who are exposed to these problems in a demanding academic environment will be better prepared to be informed public-policy makers in the future.

In traditional courses, teachers need to be more comprehensive in their choice of topics and use of cases, hypotheticals, and exam questions to encompass the legal problems of all segments of society who are affected by the specific area of substantive law. Property law courses, for example, should include the study of the problems of homelessness. Contracts courses should include more topics relevant to consumers.

In all courses involving the rights of individuals, problems of access to legal services should be examined to determine whether the protection of the law is truly available to all affected persons. For example, in courses on torts, the contingent fee system should be analyzed to determine whether it facilitates legal representation for all affected persons, regardless of their income and assets.

All courses should also include policy analysis of how applicable legal principles affect society. For example, changes in the federal income tax system in the last decade have substantially altered the distribution of income in America in favor of higher income households. The implications of these changes in the law on the social order should be discussed in courses on individual income tax. Such a discussion would send a strong message to students—lawyers should be concerned not only with what the law is but also how it affects society. It should not be sufficient in any course to simply teach legal doctrine or analysis; discussion of normative principles—what the law ought to be—should also occur.

Professional responsibility courses should have a special place in law school curricula. These courses should not concentrate exclusively on the examination of the disciplinary rules limiting lawyer conduct. Each law school should develop professional responsibility courses that promote the attributes of its conception of the "good lawyer". Students must realize that excellence as a practitioner is not limited to competence in craft skills but includes a strong ethical and moral dimension as well. Students who take professional responsibility courses should certainly learn about the importance of lawyers' pro bono responsibilities.

C. The Clinical Experience as an Essential Part of the Process

Clinical courses play a unique role in reinforcing notions of professionalism in students. In clinical settings, the development of students' sense of professional identity quickens. Students in clinics are exposed firsthand to the pressures, responsibilities, conflicts, limitations, frustrations, and rewards inherent in legal practice. The professional identity of many law students begins to emerge in the reflective environment of clinics.

If law school clinics also represent persons who cannot afford legal services, students' public service responsibilities become real. Clinic students who represent indigent persons will begin to appreciate the seriousness of the plight of persons who face a mix of legal and social problems, who may not be able to articulate their positions lucidly, whose limited resources may significantly limit possible options, and who may perceive the law to be an oppressive rather than positive force in their lives. For a clinic student to represent a person who does not have a telephone is to experience legal practice in a mind-opening

way. At the very least, clinic students become more sensitive to the legal problems of traditionally underrepresented persons. Most clinic students' commitments to pro bono services deepen as a result of their clinical experiences. They also feel more confident in their skills to perform pro bono work after graduation.

Mandatory clinical work serving low income persons would be a more valuable experience for law students than mandatory pro bono work in the community. Clinic students perform their representation in a reflective environment in which the multiple dimensions of providing legal services to underrepresented persons can be explored. In addition, the supervision provided by clinic attorneys and the educational value of the experience is superior in a clinical setting, which is specifically designed to educate students. One drawback of mandatory clinical work as opposed to mandatory pro bono is that the clinical work is generally awarded course credit and the donative aspect of such work is diminished. However, the educational value of the clinical experiences greatly outweighs the loss of the donative aspect of pro bono work.

Several law schools have developed specific curricular sequences for students who plan to pursue public interest careers. The District of Columbia School of Law and City University of New York are law schools whose primary mission is to train public interest attorneys. Other law schools such as New York University, Northeastern, and Stanford have developed sequences of courses for students who desire to pursue full-time public service careers. All of these schools recognize that training for public interest careers involves special programs and support that traditional legal education does not provide.

D. Relationship to the Bar

The failure of law schools to promote a public service ethic in students is reflective of profound changes in the legal profession. In the bar, legal practice is increasingly driven by economic forces. Only a small fraction of all lawyers perform pro bono work. Many lawyers perceive that pro bono work will diminish their economic opportunities. These lawyers have lost touch with the element of professionalism that is unique—the commitment to public service.

Law schools are now confronted with the dilemma of how to respond to this loss of professional values among members of the bar. The schools can accommodate the current ethos of the profession by maintaining their nearly exclusive focus on training for craft competence in private practice settings or they can challenge the status quo by instilling in their students a strong sense of the public service responsibilities of the profession.

If law schools accept the challenge of renewing the sense of professionalism among attorneys, the process should begin in the schools' admissions offices. A criterion of law school admission should be a demonstrated commitment to the professional ideals that the school espouses. Applicants should be required to establish that they have the understanding and motivation necessary to fulfill the highest goals of the profession. Admission to law schools should be measured by both academic and professional potential. Scholarships should be earmarked for students who show particular public service promise.

Placement offices also have a key role to play in each school's recommitment to professional values. A qualified and energetic person in each placement

office should be assigned to coordinate public service activities. These activities should include maintenance of current materials concerning public interest careers opportunities; presentations by speakers who practice public interest law; liaison with student groups that are interested in public service career issues; coordination with public interest employers; and individual counseling of students who plan to pursue public interest careers.

Placement offices should also recognize that public interest career counseling should not be limited to students but should also be available to alumni. Surveys of practicing attorneys indicate increasing and significant dissatisfaction with legal practice. One primary source of dissatisfaction among lawyers is a lack of personal fulfillment in their work. Many attorneys make mid-career decisions to pursue public interest practice in an effort to make their work more personally meaningful. Law school placement offices should be available to assist them in this transition.

Students who participate in on-campus interviewing programs should feel comfortable inquiring about the pro bono opportunities available with prospective employers. Employers that participate in the interviewing programs should be required to articulate a written pro bono policy for student review. This should include an explanation of how pro bono work is credited within the firm's compensation structure and promotion standards. The timing of the on-campus interviewing period should not force students to make job commitments before they have had a full opportunity to explore public interest career options.

E. The Impact of Educational Debt

It is now apparent that educational debt is a significant factor affecting student career choice. Many students do not pursue low-paying, public interest jobs after graduation because of large debt burdens. Law schools should develop loan repayment programs that support their graduates who pursue public interest careers. Stipends should be available to underclass law students who seek summer employment in public interest settings. Law school fundraising efforts should earmark a substantial portion of contributions to public interest career support.

There are also many programs that law schools can pursue together. In the San Francisco area, several law schools have affiliated with the Public Interest Clearinghouse (PIC), a legal services backup center. These schools have developed specific academic programs for students with public interest career plans. Participating students are allowed to utilize the career counseling and placement services of PIC. Special programs addressing public interest practice issues are organized for students and attorneys by PIC. The synergy of law school consortiums like PIC create a wider network of placement options and vocational support for law students who are interested in public interest careers.

Law schools and their primary association, the Association of American Law Schools, and the bar and its primary association, the American Bar Association, should also seek the enactment of federal and state legislation bearing on law school financing issues. There is a strong movement in legislative bodies to promote community service among young persons. These programs should be encouraged and should be designed to meet the particular needs of law school

graduates. For years, medical students have received scholarships and stipends from government sources in exchange for commitments to provide their services after graduation in medically underserved areas of the country. Federally-originated loans for medical school graduates can also be deferred if the physicians are engaged in programs providing service to indigent persons. Law schools should be pursuing similar legislative programs for their graduates.

IV. CONCLUSION

Graduates of American law schools are entering a profession whose basic values are eroding. As economic forces increasingly drive legal practice, lawyers are losing touch with the essence of professionalism—the commitment to public service. The economic concerns of lawyers are eclipsing their professional obligations.

Law schools, as the principal entry point to the legal profession, must challenge this erosion in professional values rather than accommodate it. Historically, law schools have increased their emphasis on training for craft competence. Now they must also concentrate on infusing their students with a full sense of the meaning of professionalism. Students must realize that the "good lawyer" not only represents clients competently but he or she serves the public as well.

Many law schools have developed strategies for confronting this professional malaise. Harvard Law School, for example, undertook a comprehensive review of all aspects of its operation to assess how public interest concerns could be better addressed.¹⁶ All law schools should ask themselves whether their students have stronger public service commitments at graduation than they had at matriculation. If not, these schools need to pursue initiatives designed to deepen and support their students public service commitments.

The legendary legal educator, Karl Llewellyn, succinctly captured the need for law schools to emphasize values as well as skills in their training of students:

Ideals without technique are a mess. But technique without ideals is a menace.¹⁷

It is time for American law schools to expand their vision of legal training to prepare students for careers of both competent practice and public service.

¹⁶DEAN'S PUBLIC INTEREST ADVISORY COMMITTEE, HARVARD LAW SCHOOL, REPORT OF THE DEAN'S PUBLIC INTEREST ADVISORY COMMITTEE, 1 (November 10, 1990).

¹⁷Karl Llewellyn, *On What is Wrong with So-Called Legal Education*, 35 COLUM. L. REV. 651, 662 (1935).