

Legal Education on Trial: Is the Third Year Necessary?

BY JENNIFER SMITH

A suggestion by President Barack Obama to shrink the duration of law school could buoy the case of people who long have questioned whether law students really need a third year of academic study.

But the idea comes as law schools already are struggling with declining enrollment and could be reluctant to cut into their sources of revenue.

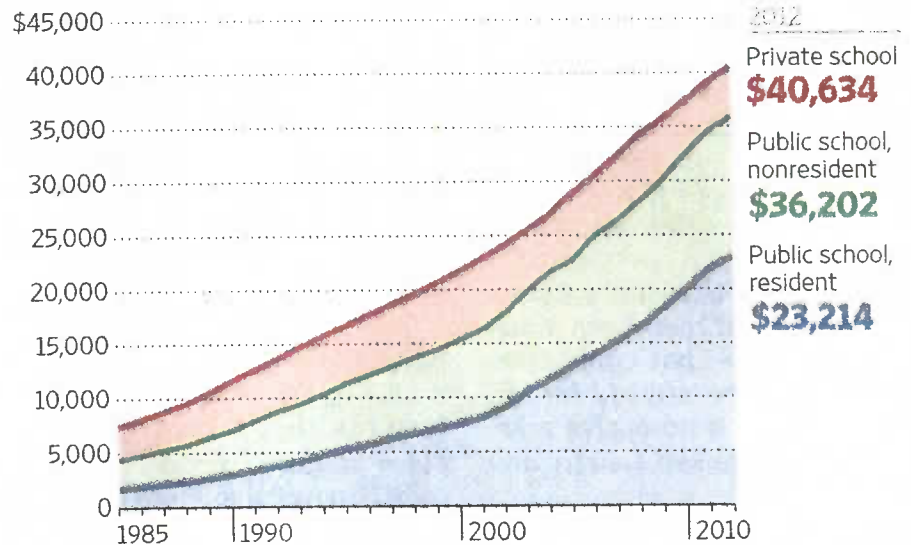
The main path to law practice in the U.S. is by earning a J.D. degree, which takes most full-time students three academic years to complete. Elite law schools began adding a third year of study at the turn of the previous century, and other schools soon followed suit.

In the first two years, students generally take courses covering the basics of law, such as contracts, property and anti-trust. The third year often is devoted to more-specialized electives or clinical courses.

The debate over whether that third year is necessary is gaining traction as law-school tuition continues to climb and law graduates, some saddled with hundreds of thousands in loans, vie

Bar Hopping

The average cost of law-school tuition



Source: American Bar Association

The Wall Street Journal

for a shrinking pool of jobs. At some top schools, tuition exceeds \$50,000 a year.

Yet some critics say that even at three years, law schools don't adequately equip their students with the practical skills they need.

"In the first two years, young people are learning in the classroom," Mr. Obama said Friday in upstate New York. "The third year they'd be better off clerking

or practicing in a firm, even if they weren't getting paid that much. But that step alone would reduce the cost for the student."

Some law schools have been tinkering with their third-year curriculum to incorporate more practical work experience or technical skills.

Other schools offer programs that compress the typical curriculum into two years. But while

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as allowed as timely by the applicable Voting Record Date), dated, unliquidated, or contingent claim filed by the Debtors, shall have no purposes only, and not for purposes of a Class 5 with the Debtors' classification. The filing and Claims Agent will be the appropriate ballot, and the Holder must then be attached thereto so it is actually on or before the Voting Deadline. All of their rights and objections to the Plan must be filed with the Solicitation Package is not and such rights and objections.

OBJECTION TO THE PLAN
EXCULPATION AND INJUNCTION
 REVIEW AND CONSIDER THE PLAN IT BE AFFECTED THEREUNDER. For filing objections to the Plan is **Eastern Time** (the "Plan Objec-

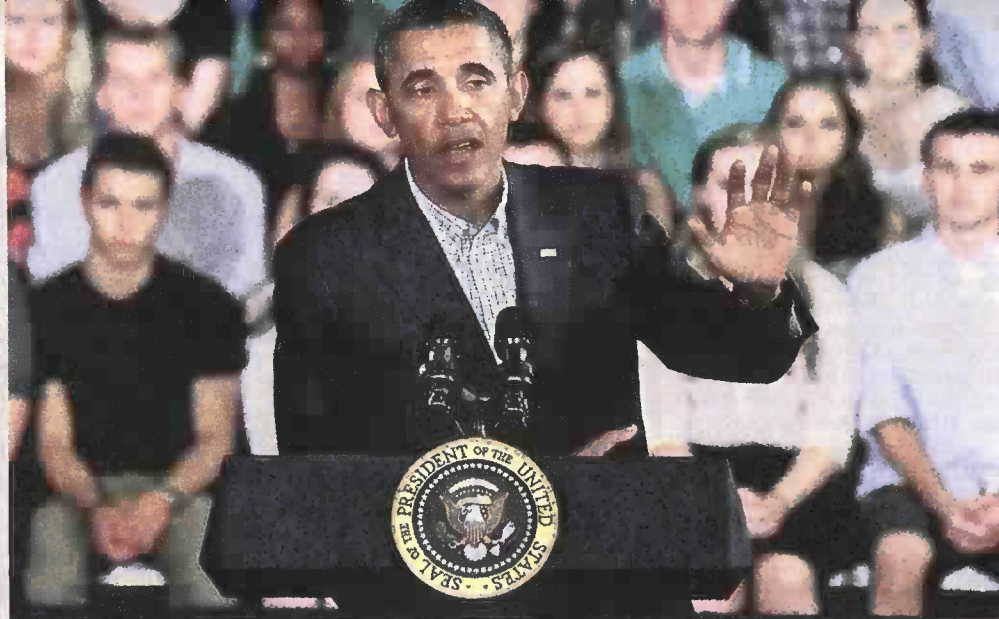
to the Plan must: (i) be in writing; (ii) state the name of the Local Rules; (iii) state the name and amount and nature of the Claim of basis and nature of any objection to the Plan that would be temporarily with a proof of service so that it is actually received by the parties listed below (the "Notice of Objection") (b) BE TIMELY FILED AND SERVED IN ACCORDANCE WITH THE BANKRUPTCY RULES WITHOUT FURTHER NOTICE.

Attorneys: Latham & Watkins LLP, 885 Third Avenue, New York, NY 10022 (Attn: Aaron M. Singer, Esq.); Rodney Square, 920 North King Street, Daniel J. DeFranceschi, Esq.; (b) Committee, Stroock & Stroock & Lathan, 30038 (Attn: Jayme T. St. Los Angeles, California 90067) Stargatt & Taylor, LLP (Attn: Jayme T. Esq.); (c) Counsel to the Prepackaged Reorganization, One Battery Park Place, New York, NY 10006 (Attn: David L. Buchbinder, Esq.).

NOTIFICATION
 I would like to obtain a Solicitation Package and Master Ballots) or if you have any questions regarding the requirements for objecting to the Plan, please contact the Claims Agent, Kurtzman Carson Consulting, at (877) 634-3434, website at: <http://www.kcccllc.net> or Kurtzman Carson Consulting, California 90245. You may also contact the Claims Agent via email at info@kcccllc.net or by fax at <http://www.kcccllc.net>. The Claims Agent is authorized to accept or reject the Plan. The Claims Agent will file the Plan Supplement and will serve the notices of objection in accordance with Rule 2002 as of such filing date pursuant to the Disclosure Statement may be obtained in the manner

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 Attorney: Attn: Keith A. Simon, Attn: 385 Third Avenue, New York, New York 10017
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the last four digits of each Debtor's name are: (1697); Center for Community Radiation, Inc. (6166); Englewood Oncology Radiation Oncology Centers, Inc. (1243); JAXPET, LLC (1932); Radiation Oncology, Inc. (3843); Radiation Oncology Medical Group, Inc. (4963); West Oncology, LLC (4963); Santa Cruz Radiation Oncology Management, Inc. (5920); Sarasota Radiation Oncology, Inc. (3730); U.S. Cancer Care, Inc. (0485); USCC Acquisition Corp. (0485); USCC and Venice Oncology Center, Inc. and certain other Debtors is located in Colorado, 80112. The information defined herein will have the



Associated Press

Third-year law students would 'be better off clerking or practicing in a firm,' President Barack Obama says.

Law Schools on Trial

Continued from page B1

such programs limit the time students are out of the workforce, many still charge the same amount of tuition.

"It's not that the third year has no value," says Brian Tamaha, a professor at Washington University School of Law in St. Louis, "it's whether the value is worth the additional burden." He is the author of the book "Failing Law Schools," a critique of legal education that was published last year.

Dropping the third year from law school faces significant hurdles, however.

Law-school deans, who already are struggling to fill seats, are unlikely to embrace a shift that could reduce revenue. The proposal also would have to pass muster with the American Bar Association, which accredits most U.S. law schools.

It would also need to win the approval of the state bar groups and judges who set the standards for who may practice law.

And defenders of the status quo say the complexity of the U.S. legal system demands at least three years in school.

"It looks like a simple solution, but it may not result in better lawyers," says Stephen Diamond, an associate professor at Santa Clara University School of Law in Santa Clara, Calif. "You'd basically have to cram the first and second year with bar courses."

That would sharply reduce students' ability to take courses in specialized areas, such as intellectual property, and to enroll in clinical courses or internships that teach real-world skills, he

says.

Students could gain that practical experience on the job, however, or through the apprenticeship model recommended by Mr. Obama, a Harvard-trained lawyer who taught for 12 years at the University of Chicago Law School.

Yet clients of big law firms increasingly have been reluctant to pay for junior lawyers who are still learning the ropes. Paying trainees less could alleviate that concern.

But some professors say many employers have little appetite for the task, which is why such clinical programs have expanded

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Law professor Michael A. Olivas

at schools.

"If we're not producing good results in three years—and many of the critics say we are not—how are we going to do it in two years?" says Michael A. Olivas, a professor at University of Houston Law Center.

It is unclear if Mr. Obama's apparently extemporaneous remarks signal that he intends to push law schools to slim down. His separate proposal to rate colleges and universities based on their performance and to tie federal financial aid to school af-

fordability and educational outcome, would apply to all institutions that receive so-called Title IV funding. That includes law schools.

Legal experts on both sides of Two v. Three say the president's remarks could galvanize the push by a small group of educators who since the 1970s have urged a return to two-year law schools.

"This shows that it's in the air," says Samuel Estreicher, a professor at New York University School of Law.

He has proposed that New York allow students to take the state bar exam after just two years of study at an ABA-approved law school. Candidates who pass could practice without getting their law degrees.

Current requirements allow students who have finished a year of study to take the exam if they have also completed a three-year apprenticeship. Prof. Estreicher would remove that requirement for students with two years under their belts.

He says his proposal would force law schools to "earn the third year."

Some educators caution that the rising cost of legal education is driven by an array of factors, such as faculty salaries and the expense of providing clinical programs that require relatively small teacher-student ratios.

"Maybe we can't afford three years of legal education anymore," says Barry Currier, the ABA's managing director of accreditation and legal education. "But there are a lot of ways to reduce cost, and just slicing off a whole year is a blunt instrument."

Harvard Law School Says It's Holding the Line

Students wondering whether to take the plunge into law school may want to consider this: An evaporating pool of applicants could boost their chances of getting into Harvard.

The latest figures show that more students are eschewing a legal education, and Harvard Law School is no exception. Applications to the school dropped 27% last year from 2009.

A side effect is that the percentage of students admitted has gone up. Harvard's acceptance rate was 15.9% last year, up from 11.2% in 2009.

Law school spokesman Robb London said Harvard wouldn't be releasing this year's figures for another few weeks but said the trend is ending.

"I can tell you that Harvard did not experience any decline in applications versus last year, so our admit rate for this year's entering class will be lower than last year's class," he said by email. "I think applicants have realized that this is a great time to apply to top law schools like Harvard."

Jacob Gershman

Bar Association Softens Its Stance on Sharing Fees

The legal profession's gatekeepers are sending the strongest signal yet that they are open to sharing their world with nonlawyers.

The American Bar Association has long prohibited law firms from opening their doors to outside investors. Ethics rules bar most U.S. lawyers from sharing profits with nonlawyers. The District of Columbia is the exception. But in recent years, the idea of firms splitting profits with nonlawyers has caught on in Britain and Australia.

The ABA last week said it was softening its stance on fee sharing, handing down guidelines that allow law firms indirectly to split fees with outsiders.

The association's Committee on Ethics and Professional Responsibility said it would let law firms split fees with other lawyers or law firms practicing in jurisdictions that have more relaxed rules. Such situations come up when multiple firms work together for a single client.

The formal opinion, the closest the legal community is likely to get to an endorsement from the ABA, isn't binding. But the opinion could

reflect a shift in attitudes about the financial arrangements of law firms and encourage state bar associations to relax their own rules on fee sharing.

The debate over fee sharing has polarized the legal community for more than a century.

"There are traditionalists who resist change of any kind," said Proskauer Rose LLP litigator Charles Mokriski, a member of the ABA ethics committee.

Jacob Gershman

Gibson Dunn Again Hires A High-Court Progeny

Lawyers tend to beget other lawyers, and the latest example of the apple falling not far from the tree comes from a sturdy oak—the U.S. Supreme Court.

Philip Alito, the son of Supreme Court Justice Samuel Alito, is joining **Gibson Dunn & Crutcher** LLP as an associate in the firm's Washington office.

"He is a smart, talented and hardworking young lawyer with impressive credentials," Thomas Dupree, Jr., the office's hiring partner, said by email.

Other high-court members also count attorneys among their nearest and dearest. Justice Anthony Kennedy's son Gregory practiced law at Sullivan & Cromwell LLP before moving to investment banking. And Columbia Law School professor Jane Ginsburg is the product of a particularly brainy legal union: Justice Ruth Bader Ginsburg and the late Martin Ginsburg, a tax-law professor at Georgetown University Law Center.

The younger Mr. Alito, a 2012 Duke Law School graduate, shouldn't have much trouble finding his way around Gibson Dunn—he was a summer associate there in 2011.

And should he need advice on his special pedigree, he can walk down the hall for a chat with partner Eugene Scalia, a son of Justice Antonin Scalia.

Jennifer Smith

Comings & Goings | lawblog@wsj.com

◆ Antitrust lawyer David Gelfand is leaving **Cleary Gottlieb Steen & Hamilton** LLP to join the Justice Department as a deputy assistant attorney general in the antitrust division. A partner at Cleary since 1997, Mr. Gelfand advised global clients on transactions and litigation and handled matters before the European Commission and national competition regulators in Europe.

◆ Attorney David Bernick, who made his name defending tobacco companies and other businesses in mass torts and product-liability cases, is joining **Dechert** LLP after a one-year stint at **Boies Schiller & Flexner**

LLP. Mr. Bernick spent most of his career at **Kirkland & Ellis** LLP. He also served for two years as general counsel at **Philip Morris International** Inc. before returning to private practice at Boies Schiller.

◆ More lawyers are moving on from **Patton Boggs** LLP. John McGahren, managing partner for the firm's Newark, N.J., office, and environmental litigator Stephanie Feingold are joining **Morgan Lewis & Bockius** LLP as partners. Earlier this month partner Patrick McManemin moved to **Thompson & Knight** LLP, taking three litigators with him.

— *Jennifer Smith*