

Executive Summary

This report is the result of a three-year project conducted by the Curriculum Committee of the American Bar Association Section of Legal Education and Admissions to the Bar at the request of John Sebert, the consultant on legal education. Our goal was to produce a comprehensive survey of law school curricula at ABA-approved law schools, with special attention to changes, innovations, and trends in legal education that occurred between 1992-2002.

It has been a decade of dynamism in legal education. From the first year required curriculum through upper division electives, law schools have revised the configuration of courses, increased emphasis in skills and professionalism, and added opportunities in electives, specializations and other degree granting offerings.

Indeed, a picture emerges of significant growth, primarily in the upper division curriculum. Law schools are expending considerable resources in labor-intensive courses, including skills and simulation courses, and are offering a greater selection of specialized electives to students, who, with fewer upper division requirements, are free to explore a wide range of elective opportunities.

Several factors may account for the concerted focus on the upper division program. Cognizant of the *MacCrate Report's*¹ findings that law schools should integrate practical skills into the curriculum, more law schools have moved beyond the strictly doctrinal nature of curricular offerings to include experiential units as required courses or mainstay elective opportunities. Also mindful of the high cost of attendance, law schools are seeking to provide their students with value-enhanced degrees, offering specializations and certificate programs to give their students an advantage in a growingly competitive job market.

Additionally, one cannot overlook other external factors that may have contributed to the burgeoning curricular opportunities of this past decade. The pressure felt from law school rankings coupled with the lean applicant years of the middle 1990s may have also contributed to law schools' desire to individuate themselves from their peers. Specializations, joint degree programs, and other niche-creating vehicles have grown considerably during this decade, perhaps in part in an effort to attract qualified applicants in an extremely competitive market.

The major findings of the ABA curriculum report are as follows:

Required Curriculum

- ♦ Average credit hours required for graduation have remained constant at 88 units, but units spent in the required curriculum have fallen from 46 to 43 units, and the balance between the required and elective curriculum has shifted in the past decade to a more elective curriculum.
- ♦ Tested subject matter of bar examinations does not appear to play a prominent role in a law school's determination of which courses to require for graduation. In fact, there is no statistical evidence to suggest that the "bar factor" drives law school curricular decision-making on graduation requirements.
- ♦ Skills and simulation course opportunities have increased in the decade, with 29 percent of law respondents requiring some form of skills, clinical or simulation course for graduation.
- ♦ *Pro bono* service requirements have increased incrementally with 10 percent of law school respondents requiring on average 26.5 hours of pro bono service hours to graduate.

¹The Report of the Task Force on Law Schools and the Profession: Narrowing the Gap, (Chicago, 1992) is informally called The MacCrate Report, named for the Chair of the ABA task force, Robert MacCrate.

First Year Curriculum

- ◆ While most first year course offerings have remained basically the same over the last 20 years, many law schools have reconfigured the unit allocation and timing of these courses to expand Legal Writing coverage and to accommodate other required courses and elective opportunities for first year students.
- ◆ The small section experience outside of Legal Writing has been largely eliminated in law schools' first year programs. Down from 47 percent in 1992 to 6.5 percent in 2002, law schools have chosen to expend their curricular resources on other aspects of the program.
- ◆ Legal Research and Writing has grown in stature in the past decade, with law schools providing more units for it than in previous years, offering third and fourth semesters of legal writing, and expanding the traditional format to include interviewing, counseling and negotiating skills.

Upper Division Curriculum

- ◆ Law schools have made an abiding commitment to all aspects of clinical education. Simulation courses have increased during the past decade with nearly all responding law schools offering courses beyond basic trial advocacy, 89.4 percent offering planning and drafting courses, and 78 percent offering all three courses in Alternative Dispute Resolution, Negotiation and Mediation.
- ◆ Live client clinical opportunities continue to grow in popularity, with 83.5 percent of respondent law schools regularly offering in-house live clinical opportunities. General Civil Litigation remains the most popular, but the greatest boon can be seen in the non-litigation areas of Alternative Dispute Resolution and Transactional clinics, which rose 212 percent and 400 percent respectively. Externship opportunities also swelled in the past decade, with 96.7 percent of law schools reporting externship offerings.
- ◆ Elective opportunities in general have remained healthy with little decrease in any particular areas of law. Noted increases have been in Intellectual Property, International Law, Business Law and Health Law. Specialization and certificate programs are offered by 55 percent of respondent law schools, with International Law and Intellectual Property the most popular fields.
- ◆ Law schools are increasingly offering joint degrees and post-J.D. degrees. Nearly 85 percent of all ABA-approved law schools offered one or more joint degrees in 2002, with 97 percent of those schools offering a Masters in Business Administration. Post-J.D. degree granting programs have also grown from 40.5 percent in 1992 to 54.5 percent in 2002.
- ◆ Distance Education courses are offered by a small but stable group of law schools (12.5 percent), but it is too early in this newly developing field to predict the impact of distance education pedagogy on legal education curricula.

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