At Meeting, Federal Judge Hands Down a Sharp Opinion About Law Schools

By Katherine Mangan

Washington

If legal educators were hoping for a break from the battering they've been receiving in the trade and mainstream press, the critiques that Judge José A. Cabranes dished out Friday during a lunchtime talk at the Association of American Law Schools' annual meeting were probably tough to swallow.

Judge Cabranes, who serves on the U.S. Court of Appeals for the Second Circuit in New York, has taught law at Rutgers University, served as general counsel of Yale University, and been a trustee at several universities. He was invited to speak by one longtime admirer—Michael A. Olivas, the association's outgoing president—and introduced to the audience by another, U.S. Supreme Court Justice Sonia Sotomayor.

So when Judge Cabranes complained that law professors were spending too much time on esoteric research at the expense of core courses, as well as poking their noses into disciplines where they didn't belong, his words stung.

But they also rang true to many in the audience. Although Mr. Olivas didn't agree with all of the judge's observations, "his remarks struck home," Mr. Olivas said.

Judge Cabranes told the group that too many law-school graduates are entering the profession unprepared to practice law and even unfamiliar with the work that lawyers do.

The average debt upon graduation is more than $100,000, he added: "For years, figures like these raised eyebrows. They now also raise blood pressures."

Next, he took aim at the interdisciplinary programs and dual degrees that have become increasingly popular at law schools. He accused law professors, many of whom have joint appointments with other colleges, of veering toward "intellectual hegemony."

"Law faculty have tried to extend their reach to all corners of the university in search of problems to solve and victims to help," he said. As globalization fever has hit law and other professional programs, professors have reached across national borders and, in the process, lost their focus on core subjects, he said.

After questioning the value of much of the third year of law school, he offered some suggestions. Law schools could offer two years of basic law courses followed by an apprenticeship in the third year. Law firms could hire students at much lower salaries than they currently pay junior associates, and bill them out for lower rates that clients would welcome.
He acknowledged that such a model "may make sense for students, law firms, and clients, although not necessarily for the profits of law schools."

Students, he said, could graduate with a third less debt, start earning money a year earlier, and learn the nuts and bolts of being lawyers sooner.

Critics would likely object that law schools were acting like trade schools, he said, adding that he didn't see anything wrong with a professional school's teaching job-specific skills. To keep everyone happy, he said, the apprenticeship model would be optional, and students who preferred a traditional three-year program could stay on an extra year.

Judge Cabranes also had an answer for those who say law students already have the opportunity to practice their skills in law-school clinics. He said students sometimes immerse themselves in clinics before they have taken foundational courses, citing the example of a student who worked in a low-income housing clinic before she had taken a course in property law.

While these factors have contributed to a crisis facing law schools today, "they've also opened tremendous opportunity," he concluded, calling on law schools to return foundational courses to the center of the curriculum and to "resist intellectual temptations to which many have fallen prey."