

DEAN'S COLUMN

Gregory W. Bowman

William J. Maier, Jr. Dean
West Virginia University
College of Law



THE FUTURE OF LEGAL EDUCATION

Legal education is currently experiencing swift and significant change. To better understand this development, I invite you to join me in a bit of time-travel. In “The Rise of the Creative Class,” American urban studies scholar Richard Florida begins his book with a thought experiment that compares two time-travelers. The first travels from 1900 to the 1950s; the second travels from 1950 to the 2000s. Florida points out that while the first time-traveler from 1900 would have to adjust to many technological advances of the 1950s (like cars, airplanes, radio, and television), he (or she) would be pretty comfortable with the social structure and mores of mid-century America. In contrast, the second time-traveler from 1950 to the 2000s would be more familiar with many technological advances of modern times (like jet airplanes, interstate highways,

and so on) but would feel out of place socially due to cultural changes that have occurred in America since the 1950s.

Florida’s thought experiment resonates with me when I think about American legal education. I sometimes conduct my own thought experiment about two law professors: one who time-travels from the 1950s to the year 2000, and another who time-travels from 2000 to today. The first time-traveling law professor would notice significant technological differences in legal education, and he also would find a more diverse faculty and student body, a more competitive admissions process, a marked decrease in the student attrition rate and dramatically increased tuition.

Yet, in some ways, the law professor from the 1950s might feel quite at home in the year 2000. Large lecture classes would still be

common in law schools, and law students often would take only one handwritten essay exam at the end of the semester. While tuition would be much higher, student loans would be seen as a safe investment because of very high employment rates for law graduates. Most students would still pay full tuition, and few would receive scholarships.

For the law professor time-traveling from the year 2000 to 2019, however, the experience would be quite different. She would find that the very definition of legal education would be open to debate, with much discussion about the need for and role of lawyers in society. Law students in 2019 often seek jobs for which a law degree is not required, and law school debt is no longer automatically considered a safe career investment. Post-graduation employment has dropped, in part because some employers are hiring

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less, and also because some legal work is being undertaken by artificial intelligence and software. The practice of law is changing rapidly.

In addition, this second time-traveling law professor would find that methods of law school instruction are far more varied than just 19 years ago. Some law schools offer entire J.D. and LL.M. programs online. More time is spent evaluating student work. Midterm exams are common. The overall number of law school applicants also has dropped significantly across the country, and many law students now receive partial or full-tuition scholarships.

I strongly identify with this second time-traveling law professor. When I compare 2004 (the year I became a law professor) to the world of legal education today, the contrast is simply stunning. And while I did not magically time-travel from 2004 to 2019, the large changes in legal education since 2004 still often feel like very sudden and uneasy shifts.

Law schools that wish to remain relevant in the future need to adapt, and adapt quickly. They need to become more innovative in both the substance and delivery of their programming. There is no clear roadmap, and that is unsettling. But not adapting puts the entire enterprise of legal education — and our democratic society and ideals — at risk. And so American law schools must innovate in the face of uncertainty.

Over the coming years, American law schools will need to re-examine everything they do in admissions, teaching, career placement, and beyond. They will need to keep (and improve) the good things they do and get

rid of what no longer works. They will need to hire and foster a diverse and inclusive faculty and staff that will support the mission of legal education, because diverse and inclusive teams make better decisions. They will need to better train students in the critical thinking skills that tomorrow's lawyers and leaders will need. Flexibility, inclusivity, and focus on mission will be key.

At WVU Law, we know this, and we are committed to such innovation in service to our democracy and our students. Right now, WVU Law is engaged in a strategic planning process that will stretch over the next year and more. Together, my law school colleagues and I face a future that, while uncertain, holds enormous opportunities for a law school like ours that is mission-focused and purpose-driven. It is my intention, and my deep hope, that WVU Law will make the most of these opportunities by maintaining and improving its mission and purpose to serve our students and our state. We have an exciting opportunity at WVU Law to rethink what we do in legal education, and we have an opportunity to be thought leaders for the rest of American legal education.

If law schools can adapt, then the future of American legal education — and American democracy — will be bright. WVU Law is committed to this future, and it drives everything we do as a law school. The members of The West Virginia State Bar have my word that our law school will work hard in these uncertain times to train the lawyers and leaders of the future, to innovate, to always support the bar and our state, and to work toward a better collective future. 