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Law School and the University

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Law School and the University

Robert Rasmussen

Abstract

This piece, written for a symposium celebrating Rick Matasar's scholarship, charts a course for law schools over the coming years. In particular, it suggests that law schools need to adjust to the changing environment in the legal profession, and broaden their impact across campus. Law practice is becoming more inter-professional, and law schools should take this opportunity to partner with other units across campus to provide a better education both to their students and to the rest of the students at the university. A law school that becomes more integrated into the fabric of the university will find a successful path going forward.

LAW SCHOOLS AND THE UNIVERSITY

Robert K. Rasmussen[†]

Rick Matasar is, perhaps, the most important contributor to legal education in the past twenty-five years. He has had various leadership roles in higher education for over a quarter century. He has served as dean of three law schools (Chicago-Kent, Florida, and New York Law), as part of the leadership team at NYU (as Vice President for University Enterprise Initiatives), and is now bringing his talents to Tulane (as Senior Vice President for Strategic Initiatives and Institutional Effectiveness). In addition to his responsibilities with these organizations, he has had leadership positions with the Access Group, the Law School Survey of Student Engagement, and the American Law Deans Association. Even with all of these commitments, what really sets him apart from most of his fellow deans is that he has found the time to write articles that have made him the preeminent thought leader on legal education. It is hard to identify a better prognosticator in legal education, or, for that matter, all of higher education.

Well before the current crisis sweeping law schools, he recognized that systemic changes were coming. Demographic shifts and changes in the legal profession would disrupt how law schools operate. These forces would mean that law schools could no longer continue to rely on an ever-increasing demand of law students willing to pay an ever-increasing tuition. Rather, changes in the size and composition of the pool of potential law students and in the legal

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profession itself would force law schools to focus on their value proposition.¹ They would have to retrench and better articulate why the returns that students could reasonably expect from a legal education were worth an investment of three years of their lives and tens of thousands of dollars.² He told us (somewhat annoyingly) that it was not self-evident that going to law school was the right decision for anyone who could get in, regardless of the price. In a world of legal education where the trend for decades has been towards homogenization, he has been telling us that each law school has to face its own reality, and identify why the product that it is offering is worth the price that it is charging. As with great corporations, law schools have to confront the brutal facts that they face, no matter how uncomfortable that may be for many constituents inside of the school.³

Rick also famously identified law schools as the “canary in the coal mine” for higher education.⁴ By this, he meant that the challenges roiling law schools today are not caused by forces that are unique to legal education. The trends and stresses that hit law schools first would eventually spread throughout all of higher education. This meant that the rest of the university could not view them with detachment and even a touch of schadenfreude. Indeed, the waves of change that law schools have been grappling with are now beginning to lap up on the shores of

¹ See Richard A. Matasar, *The MacCrate Report from the Dean’s Perspective*, 1 CLINICAL L. REV. 457, 468–69, 491 (1994); Richard A. Matasar, *The Rise and Fall of American Legal Education*, 49 N.Y.L. SCH. L. REV. 465, 498, 500–01, 504 (2004); Richard A. Matasar, *The Viability of the Law Degree: Cost, Value, and Intrinsic Worth*, 96 IOWA L. REV. 1579, 1589 (2011).

² One study put the median debt load for 2012 law school graduates at over \$140,000. See Patrick Clark, *Debt Is Piling Up Faster for Most Graduate Students—but Not MBAs*, BLOOMBERG (Mar. 25, 2014), <http://www.bloomberg.com/bw/articles/2014-03-25/student-loan-debt-piles-up-for-graduate-students-but-not-mbas>.

³ See JIM COLLINS, *GOOD TO GREAT* 88 (2001) (“All good-to-great companies begin the process of finding a path to greatness by confronting the brutal facts of their current reality..”).

⁴ See Richard A. Matasar, *The Canary in the Coal Mine: What the University Can Learn from Legal Education*, 45 MCGEORGE L. REV. 161, 167–68 (2013).

main campuses. The value question is front and center across the university. President Obama's recent proposal to have a national scorecard on the value of each university and college, while not enacted, evinces the growing concern across society with the cost of higher education.⁵ Students and parents from every school are now expecting to know what they are getting for their investment. This focus on value has inexorably fueled demands for increased transparency in terms of outcomes. More and more potential consumers of higher education are looking for hard data as to the job and career opportunities for new graduates. Just as law schools could no longer take for granted that students would appear with cash (or loans) in hand, colleges today have to articulate why they are a good value. The fact that higher education as a whole is a good value is no longer a truth that all schools can use to explain why a prospective student should attend their school.⁶ Rather, it is becoming incumbent on each school to articulate why the education that *it* provides is worth the price that it is charging. That education overall is a good investment is not enough. Each institution has to explain why it is a good investment.

I have long been an admirer of Rick's work and have learned much from it (and from him) over the years. In this spirit, rather than commenting further on his work, this short essay attempts to channel my inner Rick Matasar. I have no illusions that I have a crystal ball that has a greater clarity than the orb that Rick has somehow procured; indeed, I am sure that mine is more

⁵ See Nick Anderson, *Obama Administration Retreats from Federal College Ratings Plan*, WASH. POST (June 25, 2015), <http://www.washingtonpost.com/news/grade-point/wp/2015/06/25/obama-administration-retreats-from-federal-college-rating-plan/> (discussing President Obama's speech in Buffalo on college affordability); Barack Obama, President of the U.S., Remarks by the President on College Affordability at the State University of New York Buffalo (Aug. 22, 2013) (<https://www.whitehouse.gov/the-press-office/2013/08/22/remarks-president-college-affordability-buffalo-ny>) (stating his goal: "What we want to do is rate them on who's offering the best value so students and taxpayers get a bigger bang for their buck.").

⁶ See generally Michael Simkovic, *The Knowledge Tax*, 82 U. CHI. L. REV. (forthcoming 2015) (collecting studies to show that, across a number of disciplines and professions, investing in education provides above market returns).

clouded. Still, if we have learned anything from Rick and his work, it is that administrators and faculty have to be cognizant of the realities that we face and try to anticipate the coming changes and how best to respond. Few of us will have Rick's talent for identifying nascent trends; all of us, however, need to be looking forward. We may not see that far ahead, but we will reduce the risk of being left behind.

The trend that I see on the not-too-distant horizon is a greater integration on the part of law schools with the rest of the university. In particular, there will be an increasing focus on inter-professional education. By "inter-professional education", I mean that students will engage more broadly with cognate professions and professional students. It is necessary to underscore at the outset that professional students will continue to learn the basics of their own profession—law, medicine, business, engineering, education, media, etc. There is no substitute for a professional knowing the fundamentals of the profession. This knowledge is a necessary, but increasingly not sufficient, condition. Students will also learn how their colleagues from cognate professions approach problems. This integration across academic boundaries will become an increasing feature of both law schools and higher education generally. This will affect not only who is in the courses with law students, but how these courses will be taught and what they will cover.

A university, for historical and perfectly understandable reasons, separates out various professions for their own course of study. Each profession has its own set of norms, traditions, and socialization. Even though faculty debate endlessly about what is the essence of any given profession, there is consensus that each profession has a core, and the first step for someone aspiring to the profession is to be immersed in it. Learning starts with isolation; new students gather together to be exposed to their new calling. They begin as novices, and struggle together

to learn and master the basic elements of their craft. They are working together on what makes their chosen field distinct as a profession. They are measured by how well they absorb the basic understandings and habits of their vocation.

However, outside the university, success often depends on the ability of professionals to interact with those from other professions. The successful professional is often the one who connects with colleagues who approach a problem from a different perspective and helps craft a solution that all sign onto. Today, this skill of working cooperatively with other professionals is often neglected. This neglect, however, creates an opportunity. The university of the future will be the place where you not only learn your profession, but you also learn the relevant parts of other relevant professions, and how to work productively with other professionals.

I want to emphasize at the outset that this concept of inter-professional education is related to, but distinct from interdisciplinary education in crucial ways. The interdisciplinary move was a conscious effort to overcome the boundaries that had been established among the disciplines inside the university. We are all interdisciplinary now. It is hard to find a website of any law school or university that does not boast of its commitment to interdisciplinary education and learning. I call attention to the ubiquity of these statements not to denigrate interdisciplinary work, but rather to point out its success.⁷ Today, you cannot be a serious academic institution and not be committed at some level to interdisciplinary endeavors. We need, however, to specify what interdisciplinary work entails. By and large, what was meant was that a scholar examining a problem could gain fresh insights by importing the mode of analysis from another discipline.

⁷ It is hard to imagine that it was only a little more than two decades ago that there were voices decrying the move towards interdisciplinary studies. See generally Harry T. Edwards, *The Growing Disjunction Between Legal Education and the Legal Profession*, 91 MICH. L. REV. 34 (1992) (arguing law schools that emphasize interdisciplinary studies will harm society).

The examples from law schools are easy to identify. Economics could help lawyers predict how actors will respond to a new law.⁸ Economics could serve as the basis for understanding anti-trust.⁹ Philosophy could help us understand the basic commitments of our legal system.¹⁰ Psychology could help us understand the decisions made by actors in the criminal justice system.¹¹ Political science could help us understand the voting behavior of judges.¹² This was, by and large, legal scholars borrowing the tool sets from other domains. The frameworks of various disciplines were imported into law in order to provide new understandings.¹³

Inter-professional education is different. It is the realization that professionals of various stripes work together outside of universities in addressing problems, and that the most effective professionals understand what their peers bring to the table. Opportunities and challenges do not come neatly apportioned to the skills honed in disparate disciplines. It is cooperation and sharing that often leads to insight. The ability to work effectively with other professionals is an essential skill for a successful career. As such, it is something that universities should embrace as a goal of the education that they provide.

⁸ See generally Edward W. Kitch, *The Fire of Truth: A Remembrance of Law and Economics at Chicago, 1932–1970*, 26 J.L. & ECON. 163 (1983) (discussing the history of the law and economics movement as it started at the University of Chicago).

⁹ See ROBERT H. BORK, *THE ANTITRUST PARADOX* 7 (1978).

¹⁰ See JEFFRIE G. MURPHY & JULES L. COLEMAN, *THE PHILOSOPHY OF LAW* 1, 10 (1984).

¹¹ See DAN SIMON, *IN DOUBT: THE PSYCHOLOGY OF THE CRIMINAL JUSTICE PROCESS* 2 (2012).

¹² See LEE EPSTEIN & JACK KNIGHT, *THE CHOICES JUSTICES MAKE* 2 (1998) (discussing how judges use strategic behaviors to make choices).

¹³ The borrowing went in the other direction as well. Law professors are not the only magpies. Economists found a whole new area to study, even if at times they had little feel for the actual operation of law. Similarly, there are many philosophers who write widely about law.

There is indeed a nascent trend towards inter-professional education in the legal academy. Even before the recent criticisms of law schools for not providing adequate training for new lawyers, a number of schools initiated programs designed to better integrate the law school with relevant professions. For example, at USC, we started our law and business program and entertainment law program (which has since evolved into media, entertainment, and technology law) well before *The New York Times* took up the cudgels against law schools and before the unprecedented decline in students applying to law schools.¹⁴

The basic insight behind these programs is that law is not an isolated profession. Rather, lawyers interact on a daily basis with those in cognate professions. The corporate lawyer needs to know how his client makes money. Only by understanding the client's business can she make the judgment as to a matter's importance. I have spoken with a number of senior partners who bemoan having to write off an associate's time because the associate did a gold-plated memo where the client was really looking for a down and dirty one.¹⁵ By not understanding the client's business, the young attorney could not identify the appropriate cost-benefit balance to apply to the task at hand. Those seeking the business law certificate at USC are encouraged to take courses with business students—some cross-listed, some over in the USC Marshall School of Business—so that they can learn how to be a more effective agent for the principals that they are going to represent.

¹⁴ USC launched these programs in 2009. Other leading law schools with programs that combine offerings from the law school and other professional schools include Vanderbilt, NYU, Penn, and Chicago. Not surprisingly, the most common partner for these programs is the business school.

¹⁵ Indeed, a related point is that lawyers often do not understand their own business model. This stems from first-year associates not quite internalizing exactly why they are getting paid \$160,000 a year to the partners at Dewey, Ballentine, who were oblivious to the threats to the firm's viability.

In the same manner, students who want to work in the entertainment industry should understand how movies and films are produced, marketed, and distributed. To facilitate the creative process, the aspiring lawyer should understand the environment in which ideas take shape and are brought to market. USC students who elect to pursue the certificate in entertainment law have the opportunity to take courses in the USC School for Cinematic Arts. By taking such courses, they learn both the basics of the industry and how those in the industry perform their roles.

To give a concrete example of how inter-professional education can be useful to a lawyer, an attorney who is representing a company whose main business is the production of intellectual property needs to know how that property is made. Providing in a loan agreement that all intellectual property should be registered immediately in the patent office shows a fundamental disconnect between the lawyer's thinking process and the operation of the business. Intellectual property is created every day; some is subsequently discarded, some ends up forming the basis of products that eventually come to market. It is would infeasible to attempt to identify and collect all new intellectual property on a daily basis. The clause that effectively requires this ensures that the borrower will be in default as soon as the credit agreement goes into effect; hardly a result that the borrower and lender were hoping to achieve.

One of the most dynamic and growing areas of law surrounds the protection of data. Recent well-publicized hacks have brought the issue of cybersecurity to the front pages and the boardroom. Lawyers are deeply involved in drafting compliance policies for their clients and lobbying for regulations. In conducting these tasks, it is essential to know the existing technological possibilities and limitations, as well as what may be possible in the near future.

The lawyer who can interact successfully with the computer scientist has a distinct advantage over the one who cannot.

Few would contest the proposition that much of work handled by large law firms are generated in businesses, and thus one would expect lawyers in these firms, to be successful, should understand some business basics. The same point, however, applies across the legal profession. Legal aid attorneys have to be cognizant of the needs of their clients as well. They have to know how a potential legal remedy would work on the ground. Partnering with social workers, for example, can assist the attorney in pushing for relief that will have the most beneficial impact for those who the lawyer is representing. Lawyers pushing for a result with a regulator have to understand how the regulator views her job and what constitutes success by her lights.

It is relatively easy to articulate the virtues of inter-professional education. Speak to those who have succeeded in any profession and it becomes readily apparent that have mastered the ability to work productively with other professions. It is readily apparent that enabling new professionals to integrate more smoothly and more effectively to the workforce would add value to the educational experience. Few would argue that the current three years of law school do not provide ample time to include such instruction. But what are the incentives of those inside the academy to move in this direction? After all, working with another school on campus is never as easy as it is to just stick to your knitting and continue to do what you have been doing in the past. You need to find willing partners and you have to adjust, at least in part, your approach to teaching. While law schools have changed more than their critics at times suggest, it still would be a stretch to characterize them as nimble.

Two pressures are going to drive this trend, one from outside the walls of the university and one from the inside. The first is the pressure from the profession itself. As has been well documented elsewhere, the legal profession itself is undergoing change.¹⁶ The Great Recession took its toll on the country's law firms; the phrase the "New Normal" became part of everyday conversations. It is still uncertain how many of the changes of the last few years—inability to charge for the time of first-year associates, reduced hiring on the entry level, stagnant salaries, etc.—are a response to cyclical factors that will fade over time and how many are a response to structural changes driven by things such as technological advances.¹⁷ It is probably a mixture of both, with some of the changes being brought on by the Great Recession, but many of the changes are permanent.

Law as a business is becoming more and more competitive, as clients continue to exert market power. Legal spending in many corporations has become another cost center that has to be managed effectively; for these companies, law is now part of the supply chain. In this world, the pressure on law firms is to be able to demonstrate that young lawyers add value. The standard line that one hears is that clients refuse to pay for the work of first-year associates on the grounds that the lawyer is just learning her craft, and that the training should be on the firm's dime, not the client's bill.¹⁸ Of course, this may just be a polite way for clients to exercise market power in

¹⁶ See, e.g., Noam Scheiber, *The Last Days of Big Law*, NEW REPUBLIC (July 21, 2013), <http://www.newrepublic.com/article/113941/big-law-firms-trouble-when-money-dries>; Michael Roster, *Facing up to the Challenge: It's Time to Prepare Law Students for Their Profession*, A.B.A. J.: LEGAL REBELS (Jan. 29, 2015, 8:45 AM), http://www.abajournal.com/legalrebels/article/facing_up_to_the_challenge_time_to_prepare_law_students_for_their_professio.

¹⁷ See RICHARD SUSSKIND, *THE END OF LAWYERS?* 99 (2008) (arguing that technology will have a disruptive impact on the legal profession).

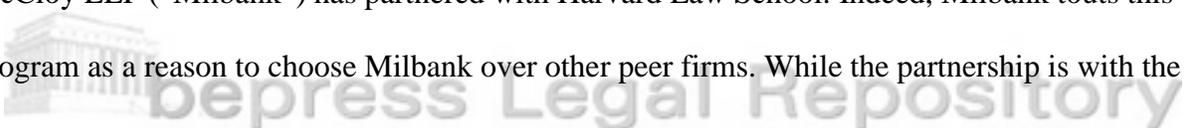
¹⁸ See Joe Palazzolo, *First-Year Associates: Are They Worth It?*, WALL ST. J.: L. BLOG (Oct. 17, 2011, 9:59 AM), <http://blogs.wsj.com/law/2011/10/17/first-year-associates-are-they-worth-it/>.

a competitive environment. It is less offensive to the senior partner to ask him to write off the work done by new lawyers than it is to ask for an even deeper discount on his own rate. To the extent, however, that clients are indeed attentive to the contributions of the most junior members of the team, firms would prefer to hire newly minted lawyers who can assimilate more quickly into practice.

So what will make lawyers more valuable? One of my favorite questions to ask successful lawyers is what class they would advise students to take. Perhaps the most frequent answer that I receive is accounting. Now, I do not think that these lawyers are saying that we should eliminate Property and teach accounting in the first year instead. Rather, what they are saying is that they wish that there had been space for this class in their studies. Accounting is the language of business, and these lawyers are saying that they wish that in law school they had received a better understanding of the language their clients speak.

More broadly, what lawyers realize now more than ever is that in the competitive environment in which they find themselves, they can distinguish themselves by coming up with efficient results tailored to the needs of the client. Firms can still command premium fees for high-level, individualized work. Those who cannot provide such bespoke services are increasingly relegated to performing routine work, work that can be performed by any number of providers. Attorneys who come in with an intuitive feel for the aspirations of the client such that they can add value to that client will find that they are much in demand inside the firm.

The actions of some of the nation's leading firms provide some evidence that they do in fact value skills that extend beyond traditional legal analysis. Milbank, Tweed, Hadley & McCloy LLP ("Milbank") has partnered with Harvard Law School. Indeed, Milbank touts this program as a reason to choose Milbank over other peer firms. While the partnership is with the



Harvard Law School, many of the professors in the program come from the Harvard Business School. Along similar lines, Skadden, Arps, Slate, Meagher & Flom (“Skadden”) runs a four week mini-MBA program, a program that it also touts to those whom it seeks to hire at the entry level.¹⁹ The fact that top firms are spending their own money on inter-professional education suggests that they see a value in such learning.

There is, of course, a disconnect between what firms say they want—attorneys with both deep legal skills and an exposure to other professions—and the extant hiring model. Most law schools attempt to add inter-professional education to the law school menu in the second and third years. It is still the case that hiring decisions for the vast majority of major law firms are based almost exclusively on first-year grades. On campus interviews have migrated from early in the fall semester of the second year to early August, well before classes have begun. Students who secure positions through this route have never had a course in corporate law, let alone any exposure to other professions. With offer rates to summer associates again nearing 100%, the upshot is that the vast majority of first-year associates will have been assessed only on how well they did in the first year. Firms hiring in this environment have no way of discerning which of the students that they are interested in will pursue inter-professional education opportunities in the coming two years.²⁰

Even without the ability of law firms to screen for those who have taken advantage of inter-professional opportunities, there may be sufficient incentives to drive student demand for

¹⁹ *Associates’ Comprehensive Education Program*, SKADDEN, http://www.skadden.com/eimages/Associates_Comprehensive_Education_Program.pdf (last visited Sept. 5, 2015).

²⁰ One leading firm, Quinn Emanuel Urquhart & Sullivan (“Quinn Emanuel”), has recently ended its summer associate program, stating that it will look to third-year law students and judicial clerks for its rank of new associates. See Sara Randazzo, *Quinn Emanuel To Scale Back Summer Associate Program*, WALL ST. J.: L. BLOG (June 29, 2015, 4:14 PM), <http://blogs.wsj.com/law/2015/06/29/quinn-emanuel-to-scale-back-summer-associate-program/>.

this type of education. Law students today are very cognizant of the fact that landing the first job does not mean that they are set for life. They are well aware of the fact that precious few of them will spend their lifetime with a single firm. Indeed, for many of them, staying at a single job for their entire career sounds a bit more like the booby prize than the brass ring. This realization that they will have many jobs during their careers means that they are increasingly interested in training that is going to help them succeed both in their first job and in the next one. Students are becoming increasingly aware that they have to take more responsibility for their careers.

The fact that the firms that are establishing programs to provide business training to their associates tout such training in trying to lure the best and brightest to their firms suggests that they believe that law students will value such an opportunity. Of course, not all firms can afford to invest in inter-professional education for their young associates. Most first year associates will not stay with the firm for over five years. In a world where the human capital that you train can walk out the door tomorrow, many firms may decline to make a substantial invest in a new attorney's long-term skill set. Moreover, the value of inter-professional education is by no means limited to those in private law. Those in public service and public interest could benefit from meaningful exposure to the professions with which they interact. For all of these students, who comprise the vast majority of law students,²¹ law school can offer an opportunity that will enhance their human capital. Law schools with strong programs will have an incentive to publicize and promote these opportunities. Eventually, prospective law students could consider whether the school that they wish to attend offers such opportunities.

²¹ For the class of 2014, the National Association for Law Placement reports that roughly 6000 graduates (out of a total of more than 42,000) were working with firms of more than 100 attorneys. See *Class of 2014 National Summary Report*, NAT'L ASS'N FOR L. PLACEMENT (July 2015), <http://www.nalp.org/uploads/NationalSummaryChartforSchools2014Class.pdf>.

The second pressure that will push law schools to delve deeper into inter-professional education is the law school's relationship with the rest of the university. Law schools are under financial strain due to the unprecedented decline in students going to law school.²² Schools, during the past five years, have been fighting over a dwindling pool of law students. A handful of schools have frozen their nominal tuition. A small number have actually lowered the sticker price.²³ Almost every school has lowered the actual price through rampant price discounting. Indeed, even for those prospective law students who do not like to haggle, they can find step-by-step scripts on the Internet for how to get the most scholarship money out of the schools that they are considering.²⁴ The combination of fewer students paying less in tuition has turned many law schools into wards of the central university. They have gone from cash cows funneling funds to the rest of the university to the ne'er-do-well brother looking for another loan until things turn around.

While we may have well reached the nadir in terms of applications,²⁵ few expect to return to the levels that existed before the recession. Law schools in this environment need to be able to

²² First year enrollment in fall 2014 was the lowest since 1973. See *ABA Section of Legal Education Reports 2014 Law School Enrollment Data*, A.B.A. (Dec. 16, 2014), http://www.americanbar.org/news/abanews/aba-news-archives/2014/12/aba_section_of_legal.html. In 1973, there were 151 ABA-accredited law schools, as compared with 204 in the fall of 2014.

²³ These include the University of Arizona, the University of Toledo, and Brooklyn Law School. See Marlene Harris-Taylor, *University of Toledo Lowers Tuition for Law School Students*, THE BLADE (Sept. 16, 2014), <http://www.toledoblade.com/Education/2014/09/16/University-of-Toledo-lowers-tuition-for-law-school-students.html>; Deborah J. Merritt, *Lowering Tuition*, LAW SCH. CAFE (Apr. 6, 2013, 3:28 PM), <http://www.lawschoolcafe.org/thread/lowering-tuition/>; *Brooklyn Law School Announces 15% Tuition Cut, Initiatives to Address Law School Accessibility and Affordability*, BROOK. L. SCH. (Apr. 2, 2014), <https://www.brooklaw.edu/newsandevents/news/2014/04-03-2014.aspx>.

²⁴ See *Negotiating Scholarships*, LAW SCH. ADVICE (June 26, 2013), <http://lawschooladvice.com/guides/negotiating-scholarships>.

²⁵ The Law School Admissions Council reported that the number of people taking the June 2015 LSAT increased by 6.6% over the past year. This is the first June year over year increase since the 2010 exam. See *Total LSATs Administered—Counts & Percent Increases by Admin & Year*, LAW SCH. ADMISSIONS COUNCIL, <http://www.lsac.org/lisacresources/data/lsats-administered> (last visited Sept. 5, 2015).

see how they can add value (and find tuition revenue) inside the university. Inter-professional education is one such path.²⁶ Just as lawyers need to understand the cognate professions to operate more effectively, the other professions need to understand the law. Law schools that do not see the value of law to non-lawyers sell themselves short. Law increasingly intrudes into everyday life on multiple fronts. Compliance, a word I never heard during three years of law school three decades ago, is now a major issue across a range of industries. Companies are collecting reams of data on their customers, and are struggling with how to manage and protect such data. Doctors are privy to much information about a patient, and have a myriad of strictures as to what and to whom they can disclose. Hospitals have to devise systems that range from protecting data the doctors collect to disposing of hazardous materials that could damage the environment. In this world, business people, engineers, doctors, and others need to know a bit about law so that they can be more effective in working with their attorneys.

Indeed, one only has to look at offerings across the university to see that law is ubiquitous. It seems that almost every unit in the university these days teaches some form of law. It is not uncommon for business schools to actually have a business law faculty. Even without such a dedicated group, almost every (if not every) business school offers business law in some fashion. Both engineering schools and art schools offer courses in intellectual property law. Constitutional law is a staple in both political science departments and in policy schools. Communication schools instruct their students in the ins and outs of the First Amendment.

²⁶ Other efforts to make up for the decline in J.D. tuition include new and expanded masters programs, including programs offered to non-lawyers. Currently, 171 of the 204 ABA-accredited law schools offer degrees in addition to the J.D. See *Programs by School*, A.B.A., http://www.americanbar.org/groups/legal_education/resources/llm-degrees_post_j_d_non_j_d/programs_by_school.html (last visited Sept. 5, 2015). The increase in the number of degrees aimed at non-lawyers is another example of inter-professional education.

It is not far-fetched to think that law schools would have a comparative advantage in staffing these courses. It is becoming more and more common for law professors to teach outside of the law school. At some schools, this has been a longstanding practice.²⁷ At other schools, the trend is of more recent vintage. Regardless of the vintage, there seems to be a growing demand for legal training from students outside of the law school. At USC, we partnered with the Dornsife College of Letters, Arts and Sciences to create two majors that involve law: (1) Philosophy, Politics and Law; and (2) History, Law and Culture. These have quickly become two of the more popular majors in the College. The law school has the responsibility for teaching the law component of these majors to the undergraduate students.

To be sure, much of the legal education that is offered outside of the law school is delivered by faculty not affiliated with the law school. I would hazard that, on balance, law faculty are going to be better at teaching law than are other faculty. Of course, there are resource constraints. While the lessening demand for law school may mean that some law schools could redeploy some faculty to teach in other units, supply is not infinite. It is likely that law faculty cannot both meet the needs of the law school and teach all of the law courses that are spread across the university. Today much of the teaching of law outside the law school is done by part-time faculty. Even with some law faculty teaching in other units, the need for adjunct faculty to teach law will remain robust. Law schools have a comparative advantage in locating, training and monitoring such faculty. To be sure, deans of other schools would not be overly welcoming of this expertise if they viewed it as draining their own budgets. Yet many, if not most, law

²⁷ At USC, law faculty have been teaching in the College of Arts and Sciences for over two decades. *See Scott Bice*, UNIV. S. CAL. GOULD SCH. L., <http://weblaw.usc.edu/who/faculty/directory/contactInfo.cfm?detailID=147> (last visited Sept. 5, 2015); *see also Ron Garet*, UNIV. S. CAL. GOULD SCH. L., HTTP://WEBLAW.USC.EDU/PORTAL/DIRECTORY/PHOTOS/GARET_RONALD_CV_SEPTMBER%202014.PDF.

schools are relatively small when compared to the overall university. A modest payment to the law school for their services may well make both parties better off.

But even if one were to think that there is no comparative advantage for law schools to staff law courses aimed exclusively at non-lawyers, law schools have another asset—law students. Studying law in a single class does not expose a student to how lawyers think. Studying with others like you in your separate silos is not the path towards understanding. It is immersion that is necessary; not distance. Taking a class in corporate finance does not give lawyers an insight into the aspiration of a CEO. Indeed, study from afar can lead to those being studied reduced to a caricature. Law students who study, say, corporate frauds can think of businesspeople as money grasping folks willing to cut corners to make a profit. It is a bit like surgeons thinking that everyone must be deformed because that is all that they see.

The key aspect of inter-professional education is that students from differing professional studies learn together and from each other. It is the mixing of students that should be the gold standard in inter-professional education. We do not want to train businesspeople to be inept lawyers; we do not want to train lawyers to be frustrated engineers. Rather, we want those who are going to practice in various professions to understand each other.

Of course, such interactions do not have to take place in the classroom. There are other venues. For example, Stanford's Munger Graduate Residence mixes law students and other professional and graduate students.²⁸ Schools often have law and business societies that are open to those in both schools. Still, the best learning takes place in the environment of the classroom.

²⁸ *Munger Graduate Residence*, STAN. L. SCH., <https://www.law.stanford.edu/beyond/housing/munger> (last visited Sept. 5, 2015).

The incentive of a law school to create additional offerings that mix law students with others from across the university, and its ability to do so, depends on the internal structure of the university. First and foremost is the budgeting system of the university. Many universities use revenue centered management. Under such a system, revenues and expenses are attributed at the school level. Tuition flows into the school, though it does not necessarily stay there. When a student takes a course offered by another unit, the tuition for that course goes to that unit. This means that encouraging your students to take classes across the university means that tuition dollars walk out the door every day. To make matters worse, in some budget systems these are undiscounted tuition dollars. In a world where many law schools have increased financial aid, the effect is that a law school can lose more when a student takes courses elsewhere than it is actually receiving from that student. What is true for law schools is true for other units as well. Every time a policy school student registers for a law course, the policy school sees a decrease in its revenue.

In a world of revenue center management, deans who focus solely on dollars want to entice others to take their classes while putting up roadblocks in the way of their students. A dean following such a strategy could load up her students with requirements for graduation that gives them little opportunity to take courses across the university, while at the same time creating courses designed to attract students from units. Failing to create a one-way flow into the school, the dean would at least try to not lose money. In the extreme, a school could erect an effective barrier by being on a different academic calendar than the rest of the university; it could be on semesters while everyone else is on quarters. A less extreme strategy would be for a dean to adopt a class schedule that puts her school's classes at times that guarantee multiple conflicts should a student try to take classes elsewhere. Indeed, at least in law schools, the dean may not

even have to be proactive here. Law schools have long lived in blessed isolation, and have often designed class schedules with the desires of faculty in mind, showing little regard to when classes take place across the rest of the university. Still another way to install roadblocks on students exploring options on campus is for the school to limit the number of classes outside of the home school that a student apply towards fulfilling her degree requirements. The adroit dean can come up with a number of strategies that minimize the chances that their students (and their tuition dollars) will seep into other units.

To the extent that deans and central administrators recognize the potential benefits for students of inter-professional education, there are arrangements that can counteract the tendency towards balkanization. Provosts can encourage and reward deans that increase inter-professional offerings. Deans of separate units can negotiate bilateral arrangements that increase student opportunities while making sure that tuition transfers do not become burdensome. In the extreme, the university can stop the policy of tuition transfer, at least among professional schools.²⁹

Of course, even putting these impediments aside, not all law schools are equally well situated to embark on inter-professional education. Stand-alone law schools have no cognate units with which they can partner. They will have to find partners, either in other academic institutions or in their local community. Also, geography will matter. Not all law schools are situated on the main campus. Not surprisingly, it is easier to get students to walk across the quad than it is to get them to take a bus across the city.

²⁹ Such a move would remove any direct financial incentive for schools to create such courses. The remaining motivation would be to improve the quality of the education.

Importantly, not all universities have the same constellation of professional schools. To be sure, most law schools nestled in universities have business schools. But what about social work? Many students come to law school with the aspiration to help the least advantaged among us, and schools of social focus on precisely this part of polity. How about policy schools? Lawyers routinely interact with government regulators, and they need to understand how these professionals view their goals. How about engineering schools? Intellectual property and its creation is an ever-increasing part of our economy. It is clear that whereas every law school can offer the basics of a legal curriculum, not every law school can offer a robust menu of inter-professional offerings. This difference in resources may actually be beneficial. For a number of years people have bemoaned the supposed homogeneity among law schools. Inter-professional education is one way in which we may see greater differentiation among law schools, with different schools offering different types of training.

One question that may arise is why the extant dual degree programs are not sufficient to meet the demands of those who want to learn more about a cognate profession. After all, the genesis of such programs was a realization that there was value to be had in combining two degrees. One fair criticism of such programs is that they are not programs at all. Rather, they are tuition sharing arrangements with the students jumping between worlds. The student spends one semester (or year) in one school, and then the next in the other school, with little serious effort towards integrating the perspectives of the two professions. The new programs have the opportunity for better and more thoughtful integration. Moreover, in the era of value proposition, they offer a lower price point. Getting a second degree is expensive; it requires at least an additional year of tuition and foregone income. Inter-professional education offers the opportunity to get the highlights without the added cost.

The promise of inter-professional education is more than simply having some non-law students in law courses and sending law students across the campus. Having a different mix of students in the class can lead us to improve our teaching. For example, one skill that is prized in organizations but rarely focused on in law school is teamwork. Law schools have famously been based on individual performance. In the world outside of campus, people rise and fall as part of teams. Business schools figured this out long ago, and they routinely place students on teams where the grade is based on the joint output. Indeed, another of my favorite questions for successful lawyers, especially those in large firms, is why do new lawyers fail. It is rarely because they do not know the law or cannot engage in adequate analysis. Rather, one of the more common answers is that they cannot work well in teams. Having excelled individually in law school, they cannot play well with others.

Mixing students from differing educational backgrounds in a course creates low hanging fruit. For example, consider the type of deals courses that many schools are beginning to offer.³⁰ In such a course, law students and business students are placed together on teams to solve problems. Through this type of learning, each can acquire a better perspective of the other. Other competencies that can be easily introduced into inter-professional courses include globalization and communication.³¹ These traits are growing in importance to all professionals.

³⁰ Such courses are offered at a number of schools, including USC, Stanford, Vanderbilt, Columbia, and the University of Wyoming. See *Spring 2015 Course Descriptions*, UNIV. S. CAL. GOULD SCH. L., <http://weblaw.usc.edu/why/academics/curriculum/CourseDescription.cfm?sem=Spring&cy=2015> (last visited Sept. 5, 2015); *Course Catalog*, STAN. L. SCH., <https://law.stanford.edu/courses/deals-i/> (last visited Sept. 5, 2015); *Mergers and Acquisitions Deal Dynamics Short Course*, VAND. L. SCH., <http://law.vanderbilt.edu/courses/207> (last visited Sept. 5, 2015); *Deals Course*, COLUM. L. SCH., <http://web.law.columbia.edu/transactional-studies/deals-courses-and-workshops/deals-course> (last visited Sept. 5, 2015); *Tp: Energy Deals*, UNIV. WYO. C.L., <http://www.uwyo.edu/law/current/courses/course-descriptions/energy-deals.html> (last visited Sept. 5, 2015).

³¹ See David E. Van Zandt, *Foundational Competencies: Innovation in Legal Education*, 61 RUTGERS L. REV. 1127, 1136–43 (2009) (discussing the core competencies needed to be an effective lawyer).

Clinical education is another way in which law schools can increase inter-professional interactions. Medical schools for decades have trained doctors by playing doctor. It is not that law schools will take a model of education from another area and transfer it to law. There are reasons why medical schools have a certain structure. Things such as paying patients: were a law school to try to increase its revenue by opening up its own law firm that sought paying clients, it would encounter howls of protest from the practicing bar. Rather, we can find ways to integrate the professions in a practice setting. One example of this is the existing medical/legal clinics. In these clinics, the public comes in to receive health care, and while they are there, they also can receive guidance on unmet legal needs.³² Another example is immigration clinics that combine social work students with law students in assisting the clients. Along similar lines, it does not take great effort to imagine business law clinics providing advice to entrepreneurs in the business schools and the engineering schools. Budding filmmakers could turn to intellectual property clinics to make sure that their work does not run afoul of limits on the use of others, while at the same time protecting their own creations.

It remains to be seen precisely how the trend towards inter-professional education will evolve. My sense is that it will not take the same path at every law school. There will be successes and there will be failures. What will end up being best practices remains to be seen. One lesson from Rick Matasar's work is that you do not need to see the end of the road in order to begin the journey. Rick has been challenging us to look ahead as best as we can, always with the goal of improving the quality of the education that we provide our students. It is a challenge that we should all embrace.

³² *Medical-Legal Community Partnership Seminar and Practicum (Spring 2015)*, UNIV. S. CAL. GOULD SCH. L., <http://weblaw.usc.edu/why/academics/curriculum/courseDescription.cfm> (last visited Sept. 5, 2015).

