

MEMORANDUM

TO: Professor Bill Koski
FROM: Ron Fox
RE: Levin Center Executive Director Search
DATE: March 13, 2007
EC: Dean Larry Kramer, Professor Lawrence Marshall, Dean Susan Robinson,
Professor Alan Morrison and Professor Tim Hallahan

A funny thing happened on my way to the TV to watch my Congressman, John Tierney, investigate the quality of medical treatment for injured soldiers when they return home. I read about the search for an Executive Director for the Levin Center for Public Service and Public Interest.

I am writing because I believe very few, if any, graduating law students will be representing these victims of (at best) neglect and indifference. In fact, over the last 44 years since I graduated law school in 1963, I have continued to be concerned about whom graduating law students represent. As critical social issues continued to come to the attention of the public (poverty, health, housing, education, the environment, as well as the rights of women, children, minorities and gays), as many as 95% of those graduating from law schools, especially the highly selective ones, took positions in the largest law firms representing the largest corporations and the wealthiest 1% of our citizens.

I am not writing this because of any specific knowledge I have of Stanford Law School other than reading a press release entitled "Stanford, Harvard Plan Ambitious Curriculum Changes" nor have I written a letter like this to any other law school. For all I know recent graduates from Stanford Law School are taking positions that reflect the hopes and concerns of the law school, its students and the larger community. If not, what I am suggesting is that the hiring of an executive director of the public interest law center be put on hold while a one year study is undertaken aimed at developing a comprehensive strategy meant to implement the law school's mission found on its website:

"Despite these differences, Stanford Law School's basic mission has not changed since Nathan Abbott's day: dedication to the highest standards of excellence in legal scholarship and to the training of lawyers equipped diligently, imaginatively, and honorably to serve their clients and the public; to lead our profession; and to help solve the problems of our nation and our world."

After a number of years founding law firms representing individuals, creating lawyer referral programs, developing the field of divorce mediation and an advocacy training institute, I began to work in 1983 at Harvard Law School as the Public Interest Advisor, continuing the pioneering work of Doug Phelps, the first to hold such a position in a law school.

From then until 1989 when Bob Clark temporarily closed the office, I worked with about 40% of all students. There were workshops, speakers panels, mentoring with alumni/ae, job fairs and individual counseling sessions. At our request Kenneth Montgomery gave \$300,000 to support summer public interest positions in honor of his friend William Andres. Michael Caudell-Feagan and I also established a Public Interest Committee of the National Association of Law Placement.

For the next five years after I left Harvard, I presented programs and consulted to twenty five law schools and law related associations. Through these programs and in my book, *Lawful Pursuit: Careers in Public Interest Law* published in 1994 by the ABA Law Student Division, I warned law students about the ways in which law schools divert them from careers serving the legal needs of the public and advised them on how to overcome these barriers and find satisfying positions in the law.

Some of my conclusions, based on my personal experience and involvement with career planners at other law schools, are: at least 40% of those entering law school planned to use their legal degree to serve the legal needs of the public; very few were interested in practicing commercial law as an employee of a large law firm; and the highly selective law schools “funneled” their students into large law firms because they:

- failed to implement a mission of serving the legal needs of the public;
- failed to teach the fundamental skills of the profession;
- failed to teach the fundamental values of the legal profession;
- failed to make students aware of the wide range of options in the practice of law;
- permitted large law firms to have operated for their benefit, an on-campus hiring program; and
- charged exorbitant amounts for the services they provide.

The predictable result of this diversion was the extraordinarily high job and career dissatisfaction found not only in law firm associates but also in the legal profession as a whole.

In 1996, I developed and began to co-edit FindLaw’s career column entitled “Find Satisfaction In the Law: Taking Control over Your Career and Your Life” directed primarily at those dissatisfied practicing lawyers. We did, however, focus on law students in two articles, including “Looking For Law in All the Wrong Places? Choosing the Best Law School” which can be found at <http://profdev.lp.findlaw.com/column/column16.html>

The article, referring to the findings of the MacCrate Report, asked the question “What can you do to avoid the career dissatisfaction that NEARLY 70%

of all practicing lawyers widely acknowledged in recent surveys?” and advised the law student “Learn how to practice law. Learn 1) the fundamental values of the legal profession, 2) the fundamental skills 3) the wide range of options and settings in which lawyers practice, 4) how to keep debt from dictating your career choice and 5) how to plan your career and search for a satisfying position. The failure to learn one or more of these lessons has caused thousands of law students to be diverted from their hopes and dreams. Many intensely dislike the workplace they find themselves in but believe they are trapped and have no options. ‘Looking for law in all the wrong places’ inevitably leads lawyers to evince the most common characteristics recognized in clients every day - lack of self-respect, low self-esteem and a reduced sense of self-worth.”

Attached to the article and added at the bottom of this Memorandum is a list of questions for prospective (and current) students to ask about a law school. The request was deliberately designed with the knowledge that few law schools would have or make such information (indications of the extent to which the law school supports students pursuing careers serving the public) available.

The underlying questions are: what does the law school believe its graduates should do with their degrees; what do the students want to do with their degrees; are a high percentage of its graduates going to work for large law firms; is this what the law school wants; is this what the students want; and is this in the best interests of our society?

The urgent need for lawyers to represent the public should be a primary mission of the law school not a separate subsidiary “office”. The creation of public interest offices was a positive step in the 80’s but many law schools staffed the offices with low level administrators with little law practice experience whose role was to familiarize students with a few well-known organizations (ACLU, NAACP, NRDC) with few openings (as opposed to providing awareness of the thousands of individual practitioners representing those with personal plight issues) resulting in those students taking fallback positions with large firms through on-campus interviewing. Moreover, the establishment of what began to be referred to as “loan repayment” programs were ineffective since the high cost of law school, as noted above, is only one of many factors diverting law students from their intended career paths.

On campus interviewing, of course, should be eliminated. At one annual NALP conference session in 1992 when I recommended this, the moderator asked for a show of hands and close to 80% of the placement staff attending from many law schools voted in favor of ending OCI. When asked why it exists, one placement staffer said her dean insisted on it because of its importance to the ratings in the US News and World Report which rewarded the law schools which sent the most students the quickest for the highest salaries to the biggest law firms and had no category for the best teaching of skills and values.

My suggestions are not simply relevant to those seeking to represent individuals. The MacCrate Report contains many of the solutions on how the law school curriculum should be revised so that graduates and be confident enough to go out on their own and represent any clients, including businesses. (In 1988, I compiled and analyzed the list of positions taken by the last 2500 graduates of the most recent 5 classes at Harvard Law School. One astonishing finding was that only 4 had NOT taken positions as an employee of some institution - two had started CityYear and two had started a legal services program.)

There is such an urgent need for service to so many members of the public. Hopefully, the implementation of well thought out proposals would be that careers in public interest and social justice would become a realistic option for those attending the law school.

Should anyone want to discuss this further, please feel free to contact me by e-mail or telephone.

Ron Fox

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REQUEST FOR INFORMATION FROM A LAW SCHOOL

Kindly forward the following material:

Written material describing how the school teaches the importance of **ATTAINING A LEVEL OF COMPETENCE** and preparing students to competently represent individuals at the time they graduate

Written material describing how the school teaches the **PROMOTING OF JUSTICE** and how to insure that "every person in our society should have ready access to the independent professional services of a lawyer of integrity and competence"

Written material on **IMPROVING THE PROFESSION** and the involvement of the law school in training and teaching not only students but practicing lawyers

Written material describing how faculty teaches the importance of **SELF-DEVELOPMENT** and the obligation of law students to take positions only if they are consistent with the students' personal values and professional goals

The list of fundamental skills the school teaches and a course catalogue clearly indexing courses by the skills taught

Description of a full-time office staffed by faculty where students can receive advice about which courses to take to be prepared for particular forms of practice

The description of the courses which teach the fundamental skills of problem solving, factual investigation, communication, counseling, and how to litigate

The description of all the experiential courses offered (such as clinics and simulated teaching where one has the opportunity to "perform" and be evaluated) along with the total available slots for second year students listed as a number and as the percentage of that class

The number of those in your Class of 2000 who plan to open their own office on graduation and a description of courses on how to start and manage a law office

The description of courses taught by faculty which teach the legal needs of the public and the demographics of the legal profession (the various forms of legal practice)

The percent of students in the Class of 2000 who want to work for large law firms doing commercial work and the percent who want to work in small firms or public interest representing individuals and consumers

The years of experience of all tenured faculty members representing individuals in personal, consumer or "personal plight issues" (divorce, plaintiff tort, criminal defense) stated as a number and as an average for all tenured faculty

Written material from your law school expressing concern about the effect of high debt load on career choice (especially on those interested in public service)

Written material describing all the specific actions the school is taking to reduce the effect of high debt (such as an loan forgiveness programs, decreasing law school tuition, encouraging and supporting part-time, term-time work by students to increase their income)

Written material advising law school faculty and staff about the inappropriateness of suggesting to students to take jobs in large law firms they do not want simply to pay off their debts

The name of the person whose full time duty is the advising of students on

budgeting and financial planning (not a student loan office staff person)

The distribution of your Class of 1996 by job: large law firms - corporate; small firms - corporate; small firms - individual (less than 5 lawyers); government; public interest law firms; non-profit organizations; for profit corporations? Is this distribution consistent with the forms of practice your school encourages and prepares students for? If not, what steps is your school taking to change this distribution

The percentage of the career services budget that is devoted to on-campus interviewing and the percentage to career counseling

Written policies covering a) the percentage of faculty work week devoted to classes, preparing for classes and advising students v. the percentage devoted to research and writing b) the responsibility of faculty for mentoring and guiding students into law practices by suggesting courses, and making referrals for summer and permanent positions and c) the weight which teaching and advising students is given in tenure decisions

Written responses to any surveys you have taken on job satisfaction of the members of the Class of 1992 and any other classes. The changes the law school has instituted to improve the level of satisfaction of its graduates