# Understanding the Law School Tuition Crisis
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Law school tuition has reached crisis levels. It has become a serious barrier to current and future students who aspire to practice social justice legal work. Students must organize and take collective action to reverse the tuition crisis. This section explores the nature of the "tuition crisis era law school" as a competitive research institution that consumes more student money each year in order to invest in *US News*-incentivized expenditures that have at most a tangential relationship to legal education.

The recent rise in tuition has been striking. Average public law school resident tuition in the 2011-12 year was $23,214. Average private law school tuition was $40,634. This is up significantly from 1985, the first year the American Bar Association (ABA) began collecting these figures. Adjusted for inflation, in 1985 resident law students at public schools on average paid $4,360 a year for tuition. Their 1985 counterparts at private schools were paying on average $16,358 (adjusted for inflation) a year for tuition.[1]

Today's new lawyers do not—and from a public interest perspective should not—make enough money to service the staggering debt they are incurring while attending tuition crisis era law schools. Thousands of young attorneys will struggle under the financial and psychological pressures of a non-dischargeable and unserviceable debt.

Beyond the impact on attorneys, the high cost of legal education will be a significant barrier to addressing other crises plaguing the justice system, the legal profession, and thus society as a whole. Mass incarceration of people of color is administered by a profession in which people of color are woefully underrepresented.[2] A "justice gap" leaves millions without sufficient access to the legal system.[3] "Elite" positions in the legal profession already go disproportionately to the economically privileged. Meanwhile, law school tuition is creating an economic barrier that will ensure people of color, those wishing to serve communities without financial resources, and individuals without economic privilege will be increasingly absent from the legal profession. Reversing the law school tuition crisis is imperative for the well being of future radical attorneys as well as the communities and causes they serve.

**The Tuition Crisis Era Law School**

Tuition has skyrocketed at the School of Law at the University of California, Davis.
Between the school's founding in 1966 and 1990, the annual cost of attending "King Hall" (named for Dr. Martin Luther King, Jr.) fluctuated, after adjusting for inflation, between only $1,600 and $4,000 a year.[4] The total cost to attend King Hall during the 2012-2013 year (not including living expenses) is $49,564 for residents and $58,815 for non-residents, making it the most expensive public law school in the nation.[5] Although the rise in tuition has been particularly spectacular at King Hall, the tuition crisis is national. Between 1985 and 2011, the average public law school resident tuition increased by over 1000%.[6] Private tuition hasn't increased at the same rate (it was higher to start with), but the figures are similarly alarming. As noted above, had these increases merely kept pace with inflation the average resident tuition for public law school would be $4,339 while private tuition would be $16,281.[7]

The tuition crisis era law school is a very different institution than its historical counterpart, at least in terms of how much student money it requires to operate. The transformation is more striking in

that while law school tuition has escalated to crisis levels, legal education has largely remained the same. As the Dean of the newly minted School of Law at UC Irvine Erwin Chemerinsky put it, "Legal education today is very similar to that which I received in the mid-1970s, and I would guess that the legal education that I received in the mid-1970s is much like those in the mid-1930s."[8] How can the cost of legal education be so much higher than it was in 1985, when, from a Dean's perspective, the education itself is "very similar" to that of the mid-1970s? Why does it cost so much more to educate law students? It's a puzzle only until one recognizes that law schools do more than educate law students; law schools are also research institutions that create legal scholarship.

**Law School: Research Institution or Trade School?**

Law students fund law schools, but there is a longstanding conflict as to the proper mission of a law school and what students' tuition should actually fund. Law schools have historically been torn between two missions: to be academic research institutions that advance the "science of law" or to be trade schools to prepare attorneys to practice. That conflict persists today.[9] Legal scholars credit the invention of modern legal education to Christopher Columbus Langdell, who became Dean of Harvard Law School in 1870 and contributed several innovations that still characterize legal education today.[10] Langdell believed law was a form of natural science that needed to be learned by study of judicial opinions.[11] He instituted the Socratic Method, the competitive, debate-focused classroom forum, and he pushed for the teaching of law by academics rather than practitioners.[12] Langdell's model was eventually codified as *the* unitary model of legal education when the ABA instituted accreditation standards that reflected his vision in 1922.

**The "Accreditations Standards" Debate: Who Is Law School For?**

Prior to being institutionalized, Langdell's academic model didn't go unchallenged. By the early 20th century, many non-elite, urban, part-time law schools were minting lawyers from the working class, including America's growing immigrant population.[13] The ABA's proposed accreditation standards required that schools adopt a three-year program of study, provide an adequate library, and maintain a full-time faculty. These requirements were aimed, at least in part, at abolishing urban part-time schools serving working people.[14] Racist and nativist attitudes weren't absent from the discussion. The Dean of Wisconsin Law School charged that night law schools enrolled "a very large proportion of foreign names. Emigrants and sons of emigrants…covet the title [of attorney] as a badge of distinction. The result is a host of shrewd young men, imperfectly educated, crammed so they can pass the bar examinations, all deeply impressed with the philosophy of getting on, but viewing the Code of Ethics with uncomprehending eyes."[15]

Opponents of the codification of the academic model argued that, in addition to potentially leaving new lawyers unprepared for practice, the model would alienate the working class and immigrants from the law and would make it more difficult for the law to become a source of upward mobility for the less privileged.[16] Given diversity figures in modern legal education, it's difficult to argue their concerns were unfounded. Nevertheless, Langdell's model prevailed. Student tuition dollars would be spent to support two missions: (1) to train students to become lawyers; and (2) to support legal academics who would not only instruct students, but who would research and publish as well.

**The "Trickle-Down Theory" of Legal Education**

The distinction between spending aimed at promoting legal research and student-based

funding has been obscured by both law school administrators and law faculty. ABA accreditation standards are often discussed as a potential cause of the law school tuition crisis. While there is evidence that minimum compliance with accreditation standards is not the primary driver of skyrocketing tuition, the ABA accreditation scandal of the mid-1990s provides insight into the spending model that is driving the tuition crisis today.

Law professors are a constituency within the law school. One that owes its existence, in its current form, to Langdell's vision of legal education, to the ABA's insistence on the unitary, academic model of legal education (despite its impact on minority and working class access to the law), and to student tuition dollars. Faculty are the largest single cost of operating a law school and tend to represent about 50% of law school expenditures.[17] By 1995, law faculty members controlled the ABA accreditation process and were accused of using the accreditation process to protect faculty wages, to ensure more generous fringe benefits, and to attain lighter workloads. In response, the Department of Justice (DOJ) filed an anti-trust action against the ABA.[18]

The faculty-controlled accreditation requirements worked on a sort of "trickle-down theory" of legal education. While accreditation standards ostensibly should be aimed at ensuring that law schools maintain a sufficient—or minimum—educational capacity, here we see faculty-accreditors conflating resources dedicated to faculty pay and research with resources ensuring minimum educational quality. The trickle-down theory of legal education goes something like this: the better the legal research and scholarship, the more enriching the contracts, torts, and administrative law courses will be.

In a 1995 editorial titled "The Law School Cartel," the *New York Times* wasn't convinced about the trickle-down theory. "These rules have nothing to do with guaranteeing students that they are gaining professional training, and everything to do with guaranteeing faculty that they will be paid top dollar. The losers are students, who are forced to pay higher tuition."[19] The DOJ's complaint closely followed the ABA's refusal to accredit Massachusetts School of Law, a law school on a low-cost model which offered tuition at 55% of the national average.[20]

The ABA denied its conduct was illegal, but nevertheless entered into a consent decree to reform the accreditation standards. After the expiration of the ten-year period covered by the consent decree, the ABA was fined for not fully complying with the requirement that faculty make up less than 50% of the accreditation team.[21] Judge Royce Lambert wrote, "…on multiple occasions the ABA had violated clear and unambiguous provisions of the Final Judgment."[22] Law school faculty, apparently, found it difficult to abandon accreditation as a mechanism for self-protection.

While the accreditation scandal reveals the legal academy's view that research-based spending isn't distinct from instructional spending, compliance with minimum accreditation standards are an unlikely culprit for the current crisis. It's true that law professors were benefiting from the faculty-controlled accreditation requirements. But a case can be made that salary increases hadn't been exorbitant, as salaries hadn't dramatically outpaced inflation. Adjusted for inflation, the average law professor salary was $120,100 in 1965, while median adjusted pay was $123,100 in 1987. [23] Average teaching loads, however, had been decreasing. An average teaching load in 1961 was 15.8 credit hours annually.[24] By 1987, 12 credit hours annually was considered a "heavy" load by some professors.[25] Tuition, though, was still under control during the 1980's. Average resident tuition at public schools in 1987 was (adjusted for inflation) $4,846 while average private school tuition (adjusted) was $18,009.[26] The average tuition at UC Davis was still only $3,332 (adjusted).[27]

Nevertheless, by the mid 1990s, the DOJ, the *New York Times*, and others were searching for

culprits behind the nascent trend in law school tuition increases. A system of self-regulation seemed a plausible explanation. After all, by 1993, commentators were noting that salaries had increased in the previous five years, at some schools by 50% or more.[28] By 1997, the average teaching load was down to 11.71 hours (this average includes clinical professors who carried higher teaching loads), while professors at elite institutions "taught significantly fewer credit hours, on average, than did their colleagues at less prestigious schools."[29] By 1995, when the DOJ filed its complaint, tuition at UC Davis was up to—adjusted for inflation—$13,217.[30] After accreditation reform, however, teaching loads continued to drop, law professor salaries increased in ways they hadn't before, and tuition skyrocketed.

Minimal compliance with regulatory standards—controlled by professors or not— apparently wasn't driving tuition increases and corresponding increases in faculty spending. Two decades later, it seems more likely that it was competition for distinction, not minimal compliance, that incentivized the spending spree—and the resulting tuition crisis—which is alienating and burdening a generation of law students.

### *US News* Rankings and the Arms Race for Prestige

One of the biggest distinctions between the tuition crisis era law school and its historical counterpart is the influence of the *U.S. News* rankings. In 1990, the magazine *U.S. News and World Reports* began ranking law schools based on multiple criteria. By 2009, a U.S. Government Accountability Office (GAO) report on "Issues Related to Law School Cost and Access" noted that, according to law school officials, competition for rankings, along with more hands-on education, was *the main factor* driving the cost of law school.[31] The *U.S. News* ranking takes into account a school's reputation amongst other law schools (the most heavily weighted factor), its reputation among the bar and bench, the selectivity of admissions, graduate job placement, bar passage rate, and various per-student expenditures.[32]

How important are the *US News* rankings to law school administrators? Law professor, former law dean, and legal education critic Brian Tamanaha has stated bluntly, "The rankings have law schools by the throat. No question."[33] In 2007, the Law School Admissions Council (the group that administers the LSAT) conducted 140 in-depth interviews with administrators for a report titled, "Fear of Falling: The Effects of the *U.S. News and World Report* Rankings on U.S. Law Schools." It concluded, "One general effect of the *USN* rankings on law schools is that it has created pressure on law school administrators to redistribute resources in ways that maximize their scores on the criteria used by *USN* to create the rankings, even if they are skeptical that this is a productive use of these resources."[34]

The "peer assessment" survey is the most heavily ranked *US News* factor. As such, schools began making faculty decisions with the rankings in mind. Richard Matasar, former Dean of New York Law School, detailed the sort of faculty spending habits the rankings incentivize:

> [The focus on rankings] leads to: reducing teaching loads to free time for scholars to write (and thereby requiring larger faculties or more adjunct hiring); hiring faculty who have interests that may be provocative, press-worthy, or attractive to university press and law review editors (and paying them premium salaries or giving them reduced teaching loads); encouraging faculty to travel (and supporting it generously); and promoting faculty to appear on television, write editorials, participate in national law reform or other social movements (with appropriate support and staff assistance).[35]

Matasar went on to note that these types of faculty expenditures have only a "tangential relationship to the core education of law students" but are "essential in the arms battle for reputation." In the current era, where schools engage in rankings-based spending that has only a tangential relationship to core education, the trickle-down theory of legal education—under which faculty spending is *always* instructional in nature and beneficial to students—is less credible than ever.

**The Arms Race for Prestige at King Hall**

The way schools approached spending aimed at increasing their prestige in order to rise in the rankings can be seen in a 2000 press release announcing a new five-year academic plan for UC Davis Law. While rising in the *US News* rankings isn't explicitly mentioned as a goal, all of the telltale signs are there. The release begins by discussing "ambitious plans" to expand, then lays out the school's strategy for becoming "the best small public law school in the country and one of the United States' elite law schools," before mentioning the then-current *US News* ranking (#41), presumably to indicate the metric at issue.[36]

The release outlines plans that correspond with what Matasar identified: ratings-induced—rather than student-centered—faculty decisions. In the document, the UC Davis Dean notes that, "the quality and size of the faculty are the single biggest factor in the strength and reputation of any law school." He explains that the school planned to expand the faculty by seeking out "scholars who will…contribute to [the school's] national visibility" and are "dedicated to innovative scholarship likely to attract national attention." The scholars would be induced to come to UC Davis by offerings including "a leave program to free faculty for one semester to pursue substantial scholarly projects, and by increasing funds for summer research stipends, travel and research assistants." Finally, the school planned to "continue building its ties with the legal academic community by inviting more guest speakers to King Hall, holding conferences and providing more funds to support faculty travel to conferences."[37] This release sets forth a textbook approach to a trickle-down theory of resource allocation in the *US News* era: a focus on faculty spending that is, as Matasar would say, only tangentially related to student education, but essential in the arms battle for reputation.

In 2000, when the UC Davis expansion-focused academic plan was released—ostensibly outlining the strategy to increase the school's rank—the school had a 15.2:1 student-to-faculty ratio (a level of 20:1 indicates presumptive compliance with ABA standards[38]), and was ranked #41.[39] Tuition was (adjusted for inflation) $14,873, up from $3,379 (adjusted) in 1990 when the rankings began.[40] Despite the drastic increase in tuition, spending increases showed no signs of slowing. The tuition crisis was looming.

In 2007, seven years after UC Davis announced faculty expansion plans, tuition at King Hall was up to $28,130 (adjusted).[41] That year, the UC Davis Dean and his counterpart at UC Berkeley, Dean Christopher Edley, addressed the UC Regents on the topic of cuts in state support for legal education and the fact that UC law schools were falling behind competitor schools in expenditures. Cuts in state funding to UC law schools are especially difficult to replace with student fees as the UC system maintains a 33% "return to aid" policy in which a third of all fees are redistributed as financial aid. Therefore, every $1 cut in state funds must be offset by $1.50 in tuition and fee increases.[42] Dean Edley explicitly invoked the rankings as justification to increase fees in order to keep pace with higher-ranked school's spending habits, despite a lack of public funding.[43] UC Davis Dean Rex Perschbacher, meanwhile, argued for keeping King Hall a "truly public institution", and decried high tuition as "an enormous barrier to the newest, neediest, and most

generously-spirited California undergraduates dreaming of a legal career." He argued that without public funding, "there is no exit from this spiral which requires professional fee increases at 7-10% annually just to keep even."[44]

But as we saw from the UC Davis academic plan, in the *US News*-era "keeping even" isn't what it used to be. "Keeping even" now meant continued participation in the arms race. Dean Edley's vision won out that day, and the Regents authorized continued fee increases for California's public law schools in order to compete with "peer schools" in the *US News* rankings.

In 2008, a new academic plan was written for UC Davis. The UC Davis academic plan for 2009-2014, like its 2001-2006 predecessor, argued that *more* faculty must be hired and that *more* resources must be devoted to faculty research, professor travel, and the hosting of academic events at King Hall. All of this rankings-based spending was demanded despite the knowledge that increased spending would be covered by student fees rather than public funds. This time, however, the rankings were explicitly invoked, and an Assistant Dean was tasked with studying them.[45] By the 2012-2013 academic year, UC Davis had a 11.1:1 student-to-faculty ratio (despite adding 100 students),[46] was ranked #38,[47] and resident tuition was $49,564. Rankings-based spending caused King Hall to become the most expensive public law school in the nation and a prime example of a tuition crisis era law school.

When UC Davis law students requested a budget for review as part of an organizing effort to address the tuition crisis, the administration provided a document which reflected the trickle-down theory of law school and obscured the law school's "other mission" as a research institution: all faculty spending—including paid sabbaticals, travel to conferences, and the like—was listed as "instructional spending."

This pattern is being repeated everywhere. Today, it's estimated that average pay for law professors is up to $200,000.[48] Average student-to-faculty ratio is down from an estimated 25.5:1 in 1988[49] to around 14.5:1 today.[50] In 1998, there were 12,200 law faculty members at 195 ABA approved law schools;[51] today there are 23,394 law faculty members at 202 ABA approved law schools.[52] While in 1990, 4,255 law review articles were published, in 2010 that number is estimated to have grown to 9,856.[53] One study, which uses salary numbers slightly below the average because the more prestigious schools tend not to self-report, found that an estimated 48% of tuition increases between 1998 and 2008 can be attributable to "increases in faculty size and higher salaries."[54] As we can see, faculty numbers and pay have only increased since 2008, as has tuition, precipitously. The tuition crisis is now in full swing.

Student tuition money has poured into the faculty while both faculty and administrators have claimed that tuition increases have gone to ensure students were receiving an "elite" or "world-class" education, defined, of course, by the rankings. But despite increased costs, students have continued applying to and attending law school. Enrollment steadily increased during the *US News*-era, growing from 44,104 first-year students in 1990 to a peak of 52,488 new students in the 2010-2011 academic year. That trend finally turned around in 2011, with only 48,697 students enrolling.[55] Indications suggest the downward trend will continue.[56] Nevertheless, students seem under the impression that law school makes economic sense.

**Demand and BigLaw: You Too Can Be Rich!**

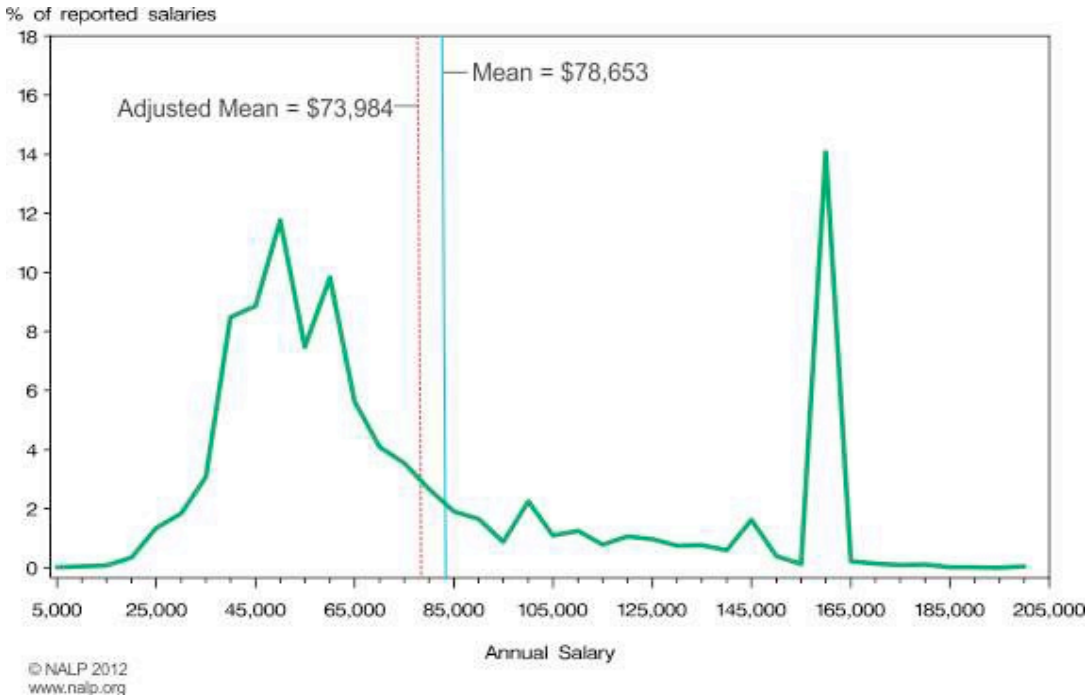
Despite rising tuition, there was still a substantial demand for law school. It's not hard to see why. The mean nationwide starting salary for a new J.D. from the class of 2011 is $78,653, and

that's down from $93,435 in 2009.[57] For a prospective law student, this makes high tuition and impending debt seem palatable. After all, if the average student can make $75k+ a year, then it's not unlikely any given student will make enough money to service their debt. Schools advertise these starting salaries to attract new applicants. In 2011, UC Davis was advertising a median salary of $92,000 for its recent grads.[58]

And jobs didn't seem scarce either, despite all the doom and gloom talk. In the mid-2000s, nearly every law school in the top 100 advertised employment rates in the 90th percentile range, and many continued to report such numbers after the 2008 crash.[59] UC Davis reported 92% employment (with an additional 3% in graduate programs) for the class of 2010.[60] Even in 2012, four years after the economy crashed and when tuition was already incredibly high, the UC Regents justified fee increases at UC campuses based on law graduates' ability to repay debt with their "exceptionally high earning potential."[61] Things looked good for future lawyers.

If it all sounds too good to be true, that's because it is. Only around 2% of 2011 grads are making the median salary of $78,653. Most (52%) of law grads make between $40,000 and $65,000.[62] The average debt for the class of 2011 is $124,950 for private schools and $75,728 for public schools; those figures don't count interest that accrues while students are still in school.[63] The standard payment on a $125,000 debt is over $1,400 and managing payments that large (after taxes, expenses, etc.) requires a salary in excess of $100,000, which only 15% of graduates nationwide obtain.[64] The current status quo is one in which the average law student is accruing debt that they cannot possibly service with the average starting salary. This is a crisis.

The sleight of hand, the reason the median salaries are so unrepresentative of actual opportunities, is what's called a "bi-modal salary distribution." Rather than a bell curve, in which most grads would be making around the median and smaller numbers would be making less and more at the margins, a "bi-modal salary distribution" has two concentrated groups. The resulting graph looks something like a two-humped camel. A group of graduates—those working for "BigLaw" or the 250 largest firms which, by and large, cater to major corporations—make between $150,000 and $165,000. In 2011, 14% of employed grads earned those salaries, although that number peaked at 25% of employed grads in 2009. The other large group makes between $40,000 and $65,000. About 52% of grads made those salaries in 2014, but that number was as low as 32% in 2009. The lower peak has always had the highest concentration of law grads overall. The rest are scattered in-between both peaks and at the margins.[65]




The bi-modal salary distribution only dates back to 2000[66] and corresponds to a growth in BigLaw hiring and BigLaw salaries. This was just in time to allow law schools to inflate their demand by advertising misleading "mean salaries" and to continue increasing tuition in order to facilitate additional *US News*-incentivized spending. In law firms with 250 lawyers or more, entering grads received a 129% jump in starting salary between 1994 and 2008 and increasing numbers of young attorneys joined these firms through the first decade of the 21st century.[67] The 2008 crash affected BigLaw hiring more so than other sectors. In fact, "virtually all of the direct impact of the market contraction was on the large blue chip firms."[68] The drop in BigLaw jobs and salaries finally caused a drop in the mean salary figures and, along with crisis-level tuition, may be a reason demand is finally dropping.

But many schools still advertise these "mean salaries" to attract students. After all, schools tied the cost of attending law school to salaries that—even at the peak of BigLaw expansion—75% of law grads would never see. Being more candid about employment prospects now would likely hurt applications, which would result in lower average LSAT scores for entering students, which would harm a school in the rankings, which administrators are trying to avoid no matter what the cost to students or society at large.

Because administrators justify self-enriching spending and tuition increases by pointing to BigLaw-inflated mean salaries, it's worth noting the work BigLaw does. BigLaw conducts "union avoidance" campaigns to defeat workers' attempts to organize; they help developers skirt environmental protections; they help corporate money exercise undue influence in politics; they litigate against sick and injured insurance claimants; they help companies externalize liability for toxic torts; they help enforce houselessness and the destruction of minority wealth by pressing onward with the foreclosure crisis; and more. These jobs are prestigious, but for law students who aspire to work in the public interest or for social justice, BigLaw work is abhorrent. And yet, because of the law school tuition crisis, aspiring social justice and public interest lawyers must attend law school, but will not be able to pay for it.

The law school tuition crisis has transformed law schools in a profound sense. In a democratic

society with a judicial system in which one must be a lawyer to participate, in a society that is increasingly statutory and administrative, and in a society that practices mass incarceration, the public has a legitimate and pronounced interest in access to lawyers. And yet—driven by the temptation to compete in the rankings while lavishing more spending on themselves—law administrators and faculty have shamefully redefined law schools. Now law schools are debt machines calibrated to create lawyers for the proverbial "1%". After all, how can it be said that law schools exist to create lawyers for the people when, by and large, students going to BigLaw to represent corporations—the only major sector paying $100k+ after graduation—are the *only* students who can afford to repay law school tuition?

**Students Must Organize!**

Legal education hasn't always been expensive, but more student money is going to fund legal scholarship than ever before. We're not going into debt to fund our legal education; we're going into debt to finance unprecedented amounts of legal research and competition in the *US News*-driven arms race. The educational goal of a student campaign should focus on these misunderstandings and assert the true quality of "tuition crisis era" law schools: the tuition crisis-era law school is a competitive research institution, which every year increases tuition in order to compete in the *US News* rankings by investing more student money into faculty, research, and other forms of conspicuous consumption on a trickle-down theory of legal education.

Identifying this reality not only explains why tuition is so expensive, and reveals that substantial cuts are possible, but it properly identifies the oppositional constituencies: law school administrators and faculty together on one hand, law students on the other. Administrators and faculty conflate rankings-driven faculty spending with spending that benefits students as per their trickle-down theory of legal education. This conflation is a barrier to student organizing. Students are fearful of insisting on cuts that may endanger the quality of their education. Students need to know that their legal education would be significantly more affordable if investments in legal research were brought down to historical levels and that such reductions wouldn't necessarily adversely impact the quality of their education.

There is another reason students must organize around this issue: austerity cuts may be on their way. Law school budgets will likely shrink with the (finally) collapsing demand. When the cuts in spending happen, an informed, engaged, empowered, and mobilized group of students, acting in concert at a sufficient number of campuses nationally, have the best chance of ensuring that administrators don't enact their version of austerity reforms: reforms that preserve the majority of benefits for administrators and faculty but that cut student-based spending such as need-based aid, career services, student travel to competitions, tutoring programs, or skills programs.

Whether to finally reverse the tuition crisis, or to protect current student interests from austerity style budget cuts with accompanying falling law school applications, law students must organize to challenge the tuition and budgeting status quo. Like professors, we, too, are a constituency. The constituency that funds law schools. We must become more informed on why law school became so expensive and why tuition continues to increase. We must challenge the continued competition for rankings. We must work to ensure that ours is the only generation of law students lost to debt conscription. Law faculty and administrators cannot be expected to address the iniquitous status quo; they are its main beneficiaries. The main constituencies suffering from this repurposing of law schools are law students and the public at large. The public likely isn't close enough to the issue to mobilize. It's up to students. For more on student organizing initiatives, see next week's article—*Challenging the Tuition Crisis*.

**Further Resources**

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Paul Campos, The Crisis of the American Law School, University of Michigan Journal of Law Reform October 2012. http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2102702.

Brian Tamanaha, *Failing Law Schools* (University of Chicago Press, 2012).

Richard Bourne, "The Coming Crash in Legal Education," *Creighton Law Review*, August 2012.

A. Benjamin Spencer, "The Law School Critique in Historical Perspective," *Washington and Lee Law Review*, Fall 2012.

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U.S. Government Accountability Office, Higher Education: Issues Related to Law School Cost and Access. http://www.gao.gov/products/GAO-10-20.

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[2] Lawyer Demographics, American Bar Association. 88% of all lawyers are white. http://www.americanbar.org/content/dam/aba/migrated/marketresearch/PublicDocuments/lawyer_demographics_2013.authcheckdam.pdf.

[3] "Addressing the Justice Gap," *New York Times*, August 11, 2011. Available at: http://www.nytimes.com/2011/08/24/opinion/addressing-the-justice-gap.html?_r=0.

[4] Figures come from the UC Davis website: http://www.law.ucdavis.edu/alumni/giving/why-give.html.

[5] "What are the priciest public law schools?" *US News and World Report*, 2013. Available at: http://grad-schools.usnews.rankingsandreviews.com/best-graduate-schools/top-law-schools/public-cost-rankings.

[6] American Bar Association, "Legal Education and Admissions to the Bar Statistics."

[7] Calculations made using U.S. Bureau of Labor Statistics Consumer Price Index calculator: http://www.bls.gov/data/inflation_calculator.htm.

[8] Irwin Chemerinsky, "Keynote Speech: Reimagining Law Schools?" *Iowa Law Review*, July 2011, pg 1461.

[9] Richard Bourne, "The Coming Crash in Legal Education," *Creighton Law Review*, August 2012, pg 661.

[10] A. Benjamin Spencer, The Law School Critique in Historical Perspective, *Washington and Lee Law Review*, Fall 2012, pg 1973.

[11] Ibid, 1975.

[12] Langell stated that, "what qualifies a person, therefore, to teach law is not experience in the work of a lawyer's office, not experience in dealing with men, not experience in the trial or argument of causes - not experience, in short, in using law, but experience in learning law." Charles Warren, History of the Harvard Law School and of Early Legal Conditions in America (1908), at 361 (quoting a speech made by Dean Langdell at the dinner of the Harvard Law School Association on November 5, 1886).

[13] Tamanaha, *Failing Law Schools*, pg 25.

[14] Ibid.

[15] Harry S. Richards, "Progress in Legal Education," in Handbook of the Association of American Law Schools and Proceedings of the…Annual Meeting, vol. 15 (1915) 60, quote at 63.

[16] Tamanaha, *Failing Law Schools*, 25.

[17] David Segal, "For Law Schools, a Price to Play the A.B.A.'s Way," *New York Times*, December 18, 2012. Available at: http://www.nytimes.com/2011/12/18/business/for-law-schools-a-price-to-play-the-abas-way.html.

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[19] "The Law School Cartel," *New York Times*, July 7, 1995. Available at: http://www.nytimes.com/1995/07/07/opinion/the-law-school-cartel.html.
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[21] Tamanaha, *Failing Law Schools*, 18.
[22] See *United States v. American Bar Association*, 2006-1 Trade Cases P 75295.
[23] Tamanaha, *Failing Law Schools*, 46-47.
[24] AALS, Special Committee on Law School Administration and University Relations, *Anatomy of Modern Legal Education* (St. Paul, MN: West, 1961), 310.
[25] Mary Kay Kane, "Some Thoughts on Scholarship for Beginning Teachers," *Journal Legal Education* 37 (1987): 14, quote at 16; emphasis added.
[26] Tamanaha, *Failing Law Schools*, 108.
[27] See fn 38.
[28] Ken Myers, "Law Profs: Poor No More, Pay Is Up," *National Law Journal*, October 18, 1993, 15.
[29] Tamanaha, *Failing Law Schools*, 41-42
[30] See fn 38.
[31] U.S. Government Accountability Office, Higher Education: Issues Related to Law School Cost and Access. Available at: http://www.gao.gov/products/GAO-10-20.
[32] The *US News* rankings take into account the following criteria: A "Peer Assessment Score" in which deans and selected faculty are asked to rate other law schools on a scale of 1 - 5 (25%); an assessment score by the bar and bench, in the persons of State A.G.s, selected judges, and hiring partners at select firms (15%); "selectivity" in admissions, including median LSAT (12.5%), median GPA (10%) and a school's acceptance rate (2.5%); "Placement Success" which is a measure of student success post-graduation in the form of employment at graduation (4%), nine months after graduation (14%), and bar passage rate (2%); and "Faculty Resources" which includes expenditures-per-student (11.25%), student-faculty ration (3%), and total library resources (.75%).
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