

Business law expert: Legal education must respond to market forces

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Dire predictions of impending doom for the future of legal education should be taken with a healthy dose of skepticism, says a University of Illinois business law expert.

Law professor Larry E. Ribstein says both law schools and the legal profession are going through a period of change that will be rough for some, but will also open the door to new opportunities for others.

"I think the horizon for what you can do with a legal education hasn't shrunk, but has actually expanded," said Ribstein, the Mildred Van Voorhis Jones Chair in Law. "Change can be bad for some people, especially for those who have a stake in the current system, but it can also be good, and I think the future is going to be much more complex than envisioned by some critics."

According to Ribstein, the only certainty for law schools is that, for the first time in their existence, they will face the need to provide the type of education the market demands rather than mainly serving the preferences of lawyers' and of law professors. And legal educators must respond to these market forces by serving not just the existing U.S. market for legal services but also a global market for legal information.

"The function of law school as a whole has been to train lawyers for particular types of practice, but we shouldn't assume that is what the world is going to look like in the future," said Ribstein, the associate dean for research in the College of Law.

"That leaves law schools in a quandary, and law professors to wonder how they should adjust to a very uncertain world. It's a world nobody can predict right now."

Although there are many possible futures for the law business, which will by extension have many different implications for legal education, one thing is certain: The gravy train from law school to a "Big Law" job – typically, a first-year associate position at a large firm in a major metropolitan city – is pretty much over.

"If you talk to young lawyers who are in a Big Law job, a lot of them are happy because it's something they want to do," Ribstein said. "But Big Law has become highly competitive. It's a very intense work environment, and not everybody who does it believes it's the be-all, end-all of their lives. We're going into an era where the number of Big Law jobs will shrink, so that taking the road less traveled is going to become more the rule than the exception for law school graduates."

The best hope for law schools may be to free them from their current accreditation straitjacket.

"If you look at the history of legal education, it's really bound up with accreditation," Ribstein said. "What law schools have taught has been regulated for over a century. There has been change in legal education, but it hasn't been fundamental change. It's been change around the margins, and that's true also of the entire legal profession. I think the legal profession is something that Abe Lincoln would recognize if he were alive today, which is amazing considering all of the other changes in just about every other walk of life. And that couldn't be maintained if legal education were subject to pressure from the market."

Perhaps the most chilling aspect for current law students and recent graduates is the trend of offshoring entry-level legal work to cheaper

labor in foreign countries. But Ribstein says much of the work being that's outsourced today eventually won't even be performed by human beings in the near future.

"I see outsourcing as more a transitory phenomenon, in that much of that work will shift to computers," he said. "But that will still leave a lot of necessary human judgment. Machines will never replace lawyers, but they will change what lawyers do, and I think it will make what lawyers do more sophisticated. So I think this is going to lead to an era of lawyers doing even more interesting things than they're doing now. We'll be rethinking what the study and practice of the law means."

Some of the more radical changes that have inspired anxiety on the part of law professors and students will happen far enough out into the future that people who are heavily invested in the current system now should be able to finish out their careers.

"But the potential changes are something law students should be aware of," Ribstein said.

Until then, the best strategy for law schools, professors and students is to devote more study to dynamic law markets than they have in the past.

"The plus side for entering law students is that their future is much more wide open than that of their immediate predecessors," he said. "So that's a cause for optimism."

More information: Ribstein's article, "Practicing Theory: Legal Education for the Twenty-First Century," will be published in a forthcoming issue of the *University of Iowa Law Review*.

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