

Why Young People Are Rejecting Law School; A sluggish job market is just one of the reasons for the decrease in the number of applicants.

The National Law Journal
Monday, November 25, 2013

Let's just come right out and say it. Although our profession will rise again, right now being a lawyer just isn't quite as cool as it used to be. Of course, people have thrown darts at lawyers since Shakespeare. But consider where things stand in today's popular culture. Twenty years ago, Aaron Sorkin in "A Few Good Men" gave us Tom Cruise as a heroic JAG officer whose brilliant legal skills famously cracked Jack Nicholson on the witness stand. Now Sorkin, in the HBO hit "The Newsroom" has created a lawyer who cares only about her billing rate and is described as part of a "godless, soulless race of extortionists."

Such observations would be suitable mostly for entertainment magazines if they did not correspond with doubledigit declines in the number of people applying to U.S. law schools during each of the past three years. This trend is expected to continue in 2014, and the dip is even more pronounced among applicants from elite universities.

Why are so many college graduates deciding to pursue other careers? The familiar explanation is an easy one. Job prospects for law school graduates have dwindled as economic conditions have pummeled private law firms and government-funded legal services. Clients have balked at paying firms to train junior associates, while governments have slashed funding. Who wouldn't pause before applying to law school when anticipated incomes may prove insufficient to enable graduates to repay their education loans?

Blaming the recent collapse in demand for a legal education solely on economics, however, is too easy. Initially, it's not clear what other lucrative options are available for the nonscientificallly inclined. (Not everyone can be a hedge-fund manager.) Moreover, the best recent study conducted by Seton Hall University School of Law professor Michael Simkovic and Rutgers University economist Frank McIntyre demonstrates substantial financial return for those earning a law degree. They estimate the mean pretax lifetime value of a law degree at about \$1 million, and conclude that its present value exceeds its cost by hundreds of thousands of dollars.

Such figures should in no way diminish our zeal to reduce the cost of legal education and to find jobs for our graduates. Yet we can embrace the moral obligation to help struggling graduates without denying that a law degree remains a sound investment. Moreover, the promise of financial reward has never been the best reason to attend law school. Historically, lawyers have earned a living billing by the hour, a model that will never produce the sorts of income available in high tech, real estate, finance or industry.

The reason to become a lawyer is because you love it. And one reason to love it is the thrill of solving problems, helping people work together, and contributing to a society in which justice is of preeminent value. Yet what do today's college students see in our culture as the accomplishments of the profession? Congress, our highest lawmaking body, has become tangled in partisan trench warfare. The U.S. Supreme Court, where law reaches a pinnacle, refuses to allow cameras. For today's young people, if it's not on video, it doesn't exist. Extreme commercials with subtitles warning against the on-screen behavior convey an image of lawyers shadowboxing with imaginary scenarios while serious problems go unaddressed. And who was it who came up with the idea for drug advertisements that listed all potential side effects? Surely lawyers deserve credit for pushing the country to recognize the justice in same-sex marriage. But too much of what those considering a legal career see today does not communicate the opportunity the profession affords to steer society in good directions.

The problem is particularly profound as a result of the technological environment. We trust judges to impose coercive sanctions because they are guided by rules written down in advance. Indeed, our archetypical laws were literally etched in stone. Today's students, however, have been raised in an era of plasticity. The idea that we should be guided now by decisions others made back then is a much harder sell to a generation that has grown up in an era of continual change.

Losing faith in the guiding hand of law, however, poses grave risks. The rule of law is one of our country's most significant sources of moral strength and competitive advantage. Winning the allegiance of the next generation will require the invention of regulatory techniques that move faster and allow those regulated to adapt to change. Creative problem solving must remain at the root of how we present our profession.

As long as law deans accept the conventional wisdom that our struggles are solely about money, legal education will never recover the national standing it deserves. Instead, legal educators and professional leaders must tackle directly public perceptions of the value lawyers add to everyday life. Twenty-first-century lawyers will write rules that enable people to work together to grow the economy, allocate resources more fairly, battle environmental threats and preserve notions of privacy in an Internet age. If we communicate clearly a vision of lawyers as the architects of a just society, plenty of aspiring lawyers will sign up for the ride.

Jeremy Paul is dean and a professor at Northeastern University School of Law in Boston.