

OpenMarket.org

Law Schools: Incubators of Evil and Waste?

by *Hans Bader* on November 21, 2011

The New York Times had a [disturbing article](#) Sunday about how most law schools are utterly [failing to teach](#) their students the basics of how to be a lawyer, despite collecting tens of thousands of dollars in tuition. (I wrote about this previously [in *The New York Times*](#) and [legal blogs](#), discussing how little I learned at Harvard Law School despite paying a fortune in tuition, and how students should [no longer be required](#) to attend law school before sitting for the bar exam.)

The *Times* [describes](#) three newly-hired corporate attorneys at a big-name law firm whose law-school educations were so worthless that they don't know the basics, such as what a merger is, and how to draft the simplest legal forms needed for a merger. So their law firm has to teach these basic skills, even though they've already spent up to \$150,000 on law school for a legal "education":

But the three people taking notes are not students. They are associates at a law firm called Drinker Biddle & Reath, hired to handle corporate transactions. And they have each spent three years and as much as \$150,000 for a legal degree. What they did not get, for all that time and money, was much practical training. Law schools have long emphasized the theoretical over the useful, with classes that are often overstuffed with antiquated distinctions, like the variety of property law in post-feudal England. Professors are rewarded for chin-stroking scholarship, like law review articles with titles like "A Future Foretold: Neo-Aristotelian Praise of Postmodern Legal Theory."

As I [noted earlier](#) in the *Times*,

I learned about trendy ideological fads and feminist and Marxist legal theory while at Harvard Law School. But I did not learn many basic legal principles, such as in contract law and real estate law, until I took a commercial bar-exam preparation course after law school. Getting rid of the requirement that students attend law school before taking the bar exam would save many students a fortune in student loan debt. It would also force law schools to improve their courses to attract students who now have no choice but to attend.

All too many law schools care about ideological abstractions, not the real-world practice of law — as is illustrated by Tulane's recent decision to [give a convicted murderer a scholarship to attend its law school](#), even though he most likely can never be admitted to the Bar given his criminal record. (Another law school admitted a disgraced serial fabricator, who was predictably [denied admission](#) by the New York Bar.) Law schools falsely claim their graduates almost always find jobs as lawyers, but they often don't:

indeed, two law schools are [being sued](#) for fraudulent placement data in [class-action lawsuits](#).

America's law schools have increased tuition by nearly [1,000 percent since 1960](#) in real terms, while collecting ever-increasing government subsidies, and teaching students fewer practical skills than they used to. Law schools are able to get away with bad instruction partly because would-be lawyers are compelled to [attend them due to government regulations: bar admission rules](#) in most states require you to attend law school before you are allowed to sit for the bar exam, even though law school courses often fail to prepare students for the subjects tested on the bar exam. Many state-funded law-school clinics effectively sue state taxpayers, both by suing businesses in their home state (thus killing jobs), and by suing their state governments to demand increases in government spending on various programs – something discussed at length in [Schools for Misrule](#), a recent book by the Cato Institute's [Walter Olson](#). Olson comments on the *New York Times* article [here](#).