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THE CHANGING STRUCTURE OF EDUCATION
AT STANFORD LAW SCHOOL†

Thomas Ehrlich* and Thomas E. Headrick**

Over an eighteen-month period in 1968 and 1969, Stanford Law School undertook a study of developments and current proposals in legal education. The study was coordinated by the authors and aided by a grant from the Ford Foundation. The objective of the study was to make a wider and deeper review than is usual in a curricular revision, but also to produce feasible programs for immediate adoption at Stanford, not utopian designs.

The study focused on the basic architecture of legal education at Stanford. It was not aimed at developing a consensus around incremental changes in the curriculum—the number of hours devoted to particular courses and the content of those courses. Rather, its purpose was to examine existing and proposed structural elements of the curriculum. To achieve this purpose, the standard pattern of committee review would have been unworkable. Instead, different faculty and student groups interested in particular programmatic changes developed the shape and content of those changes. The effort took a substantial amount of time of the entire faculty and many students—far more time than is commonly given to curricular review. It also took the released time of each of us as study coordinators—one a faculty member and one an academic administrator—over 18 months. A grant of $20,000 from the Ford Foundation provided funds for secretarial help, research assistance, and travel, together with some support for our released time. The Law School financed the remaining (and substantial) costs of the study.

As a result of the study, last spring the School adopted a number of changes in the structure of its educational programs. The changes are aimed particularly at providing increased diversity and flexibility. They reflect a shared conviction within the School that students with different aims, interests, and abilities should be encouraged to develop them along different lines and that the faculty, too, gains from increased flexibility.

The new programs are now being implemented; it is too early to judge their success in operation. Study also continues on other new program possibilities. We believe, however, that some of the new Stanford programs and the process of developing them may have useful implications for other law schools. On that basis, a report on the steps leading to the changes, their rationales, and some of the alternatives considered, seems in order.

I. An Initial Survey

As a first step, we surveyed the landscape. We had some ideas and searched for others. We read most of the literature we could find on legal education, particularly in the pages of this Journal, and held numerous discussions with

† Editor's Note: The following development article is not strictly a part of the 1968 Roundtables. It is published here in this Special Issue because of the timeliness and significance of the subject-matter, although not directly related to the express “theme” of the 1968 Annual meeting.

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interested faculty members, students, and others both within and outside the academic world.

We found a myriad of suggestions ranging from major restructuring to minor curricular tinkering. Everybody has his own plan. But the literature on now-forgotten schemes for reforming law schools convinced us of one critical point, at least for Stanford. If proposals for change are to be more than dreams, they must be developed by faculty members and students who have a commitment to their successful operation. It is not enough that most acquiesce in a given program; there have to be some who are willing to take academic responsibility for that program. The interest in change within the Stanford faculty and student body offered a significant opportunity for finding the necessary commitment.

Beginning in the fall of 1968 we organized informal groups of faculty and students at Stanford who were interested in particular avenues of educational change. We prepared position papers for each group, identifying the broad outlines of possible new programs. We met with the groups periodically over several months.

At that stage the groups did not allow their discussions to be restricted by financial considerations. Stanford's financial resources are and will be limited, as are those of all other institutions. It was clear to all that eventually priorities have to be assigned among programs and allocations of resources made among them. But the groups adopted the working principle that premature concern about financial feasibility could only impair the process of imaginative program design.

Although the groups set financial considerations to one side, they gave serious thought to resources of other kinds such as the scope and demands of ongoing programs, the size and character of faculty, the student body, and the institutional culture of the School.

Stanford Law School has a student body of about 450, and earlier studies had led to the firm conclusion that the student body would not be expanded much beyond that size. The faculty now numbers some 27 full-time teachers and is expected to grow to about 35. The Law School is currently engaged in a major fund-raising effort. Depending on adequate funding, the Law School will have a new building in 1972. The School's library is relatively small (about 180,000 volumes), but now growing rapidly; and its recent expansion gives it a higher capability for contemporary research than is reflected by the number of volumes.

The last general faculty review of the curriculum was in 1964. As matters stood in the fall of 1968, all first-year courses were required; the second- and third-year courses were fully elective. Students had to take at least three seminars requiring written work before graduation; they could select these and other courses from an array of some fifty to sixty Law School offerings. The equivalent of a full-year course could be taken in some other discipline for Law School credit. A special program in law and psychiatry was run jointly with the Medical School. The Graduate School of Business and the Law School had combined to enable students to obtain both an LL.B. and an M.B.A. in four years. Compared with its counterpart of a decade ago, the curriculum was more diversified, and the requirements were significantly less specific. Yet students complained of repetition—in teaching techniques and
in substance. In the view of many, too much time was spent in 50-minute segments analyzing appellate-court opinions.

The Stanford faculty, like many law faculties, is a group of somewhat reluctant specialists. Each has a core area of interest. But the content, purpose and coverage of his courses may change substantially from year to year. Occasionally, sometimes frequently, he will branch out into a new area or indeed shift focus completely. Many faculty members teach first-year courses, even though the courses may be only tangentially or not at all related to their fields, because they enjoy contact with new students. On the other hand, though each professor is in some measure a specialist, the School is not specialized. The separate core interests of the faculty are exceedingly diversified.

The career objectives of the Stanford law students and their reasons for coming to the School are also diverse. Some come with clear sights set upon the practice, usually in a large metropolitan firm. Many students enroll in the School by the process of eliminating other options. The multi-purpose image of the lawyer in our society is attractive. By entering law school, the period of career decision can be extended. As at most law schools, the challenge is to design legal education programs that are intellectually stimulating and useful, without being narrow, for gifted students with diverse interests and sometimes uncertain career objectives.

After assessing these resources it was concluded that Stanford should not now concentrate its energies on one type of student or on one area of the law. Not all agreed with this view. Some had suggested, for example, that the School should move to attract students primarily interested in economic regulation and should concentrate its faculty strength and research work particularly in that area. Criminal law and other areas of possible specialization were also suggested. The prospect is a tempting one. In time, subject matter specialization is likely to become increasingly attractive to increasing numbers of schools, especially if coupled with freer transferability of students from school to school. It offers the opportunity to become the best in one or a cluster of fields or educational approaches rather than less than the best in many. Moreover, increasing growth and specialization in the law itself may eventually compel law schools to move toward some subject matter concentration. But, rightly or no, this course was consciously rejected for Stanford at this time.

One broad avenue of our inquiry was "how to do what we were doing better." But though the number of class hours that should be devoted to torts is important, if such issues had been allowed to become matters of our primary concern, we would have dealt with nothing else. Many made suggestions for revising the first-year program. But first-year requirements had been a principal focus of Stanford's last major curricular review, and there was broad agreement that our study should concentrate on program opportunities for students after the first year. Even so, some proposals for change in the first year emerged after the proposals for structural changes were developed and nearing adoption. These first-year proposals are currently under review.

Our assessment yielded considerable optimism about the possibilities of expanding program opportunities. The past ten years at Stanford had been a period of growth and innovation. Many of the innovations had been small
steps, hardly noticed developments from one year to the next. But in sum they indicated a comfortable climate for experimentation.

II. The Pressures for Change

The pressures—some strong, some light—seemed to originate in both old and new quarters.

1. Traditional Constituencies

The School's traditional constituencies include the practitioner, the practice-oriented law student, and the legal scholar and educator. In these quarters we found concern for the education of those who are or will become professional practitioners. There was growing evidence that Langdellian legal training, provided with differing degrees of success by every law school in the country, was inadequate to meet some practitioners' needs. Both students and the bar were urging that law schools offer operational experience as part of the training for future practice.

From another direction, many students and faculty were interested in new kinds of preparation for research and teaching. Many emphasized the need for empirical studies of the impact of law on social behavior. They urged research efforts in law that were far removed from doctrinal analysis. And they called for programs to develop the skills needed to pursue such research. Others stressed the search for ways in which law schools can contribute more systematically to the training of law teachers.

Along a related vein, it has been a long time since the first murmurings about law and the social sciences were heard among law-school faculties. In the intervening years, interest has developed in interdisciplinary studies of all kinds. In comparison with the level of interest, the output to date of interdisciplinary work, courses, and degrees has been small. Work in law and science, in law and humanities, and particularly in law and social science, will certainly have an important role at major law schools. But there are serious problems concerning precisely what this work will cover and what kind of institutional environment will support and encourage the best of it.

A fair number of academics and students were discontent with the length of the traditional LL.B. or J.D. program. They reasoned that if the objective of law school was mainly method rather than substance, then for many students the third year brought in diminishing returns at a high rate. They added that no law school could hope to cover the substance of modern law, and no lawyer could be expected to assimilate it. Some said that two years was enough to acquire a basic professional competence. Others argued that there was much that could be done for third-year students, but the third year must be used more imaginatively and wisely.

The uniting theme for these pressures from traditional constituencies was that students should have more options. The common pattern should be altered to provide, over time, different options for students with different career aims and interests. We had to work within the constraints of Stanford's resources and particularly the interests of its faculty. But a new student option can be a new faculty opportunity. Much of our time was spent with faculty and students exploring ways in which desirable student options might be matched with faculty interests.
2. New Constituencies

There were new groups of potential consumers of law education that sought attention. We observed a few as we talked to practitioners, educators, and others outside the legal academic world. Three major examples are described below.

(a) Specialized Training for Practicing Lawyers. A recent survey by the California State Bar indicates that a substantial majority of California lawyers spend all or virtually all of their time dealing in one broad area of the law, rather than in general practice. This trend may be applauded or condemned, but it is impossible to ignore. In many ways, the pattern of medical practice has followed along similar lines—increasing specialization in spite of substantial nostalgia for the days of the general practitioner. We found increasing evidence that many practitioners want and need advanced academic work within the particular field that has come to be their specialty. Professor Charles Meyers supported this view in his 1968 report as Chairman of the AALS Curriculum Committee; others, within and outside law schools, have said the same thing.

At this time, and on the basis of informal discussions with a wide variety of practitioners, we are certain that there are many specialists who want an opportunity to break away from a continuing stream of cases and controversies and deal with the policy aspects of their area in broad perspective. Many are young partners in fairly large law firms with about ten years of experience. Most came to their specialty by accident, rather than by design; few had any substantial academic training in that specialty. Several law firms have already begun or are considering a “sabbatical” policy to provide an opportunity for academic upgrading or retooling.

(b) Law for Non-Lawyers. Various groups want some understanding of the legal process without a full-scale program leading to a professional degree. Law is not part of the liberal-arts experience of most undergraduates, and many observers are concerned about the long-run implications of a generation of college alumni with shallow conceptions of the law and the legal system and considerable distrust of it. Some graduate students in other disciplines—particularly in the social sciences—would like some academic exposure to law. Others call for new ways to provide such training to businessmen, journalists, foreign-service officers, and those in other professions who have continual contact with the legal system.

(c) Para-Professionals. The convergence of several forces operating upon the legal profession is going to make the training of para-professionals in law a major issue over the next decade. The supply of lawyers is not meeting the current demand. The cost of legal services is rising. Pressures and counter-pressures will require that the future lawyer organize his work more efficiently and see that lay people are trained to handle the more routine tasks.

The development of legal services for the poor has made many conscious of deficiencies in the organization and provision of legal services. Many lawyers are vastly overtrained for much of the work they do. Many people get inadequate legal services. There is growing pressure for law schools to contribute to the training of para-professionals in legal-aid offices and elsewhere.
III. Designing Concrete Proposals

Over the course of the fall, 1968, particular interest was expressed by faculty and students in a number of areas of structural change. We sketched the broad outlines of programs in each of those areas—schematic drawings of broad options. At a general faculty meeting in December, we sought the faculty's preliminary collective counsel on whether to move ahead to design specific programs in each area—working drawings. We also identified other proposals that were not adequately developed to warrant general faculty consideration.

If general faculty disapproval had been voiced at the December meeting about any program proposal, we would not have proceeded with further refining work in that area. In fact, our colleagues urged that we work out detailed program designs with interested faculty and students in each of the areas. We were also encouraged to move ahead in several other directions which we had considered only preliminarily.

On this basis we met throughout the winter with groups that were willing to take responsibility for developing plans for the various proposals. Each group was differently composed; no faculty member or student was interested in working on every proposed program, and there was a consensus that diversity in the makeup of the groups was desirable.

Out of these group considerations, a number of concrete designs emerged for formal faculty action. Those designs were each considered at a series of faculty meetings in the spring of 1969. Some were revised in one or more specific details; others were approved with no change; none was rejected. In the case of each proposal, consideration had been given to its administrative and other implications. But it was apparent that detailed pursuit of those implications in detail would result in losing an essential focus on basic issues. Further, we knew that secondary questions would inevitably arise in implementing the proposals. The faculty's discussion and action in the spring was, therefore, directed to basic issues, with the understanding that implementing details would be worked out by interested faculty members and the Dean's office. That process proceeded throughout last summer. By fall, each program was in operation.

The following discussion emphasizes the structural revisions that were approved last year at Stanford, but the description seeks also to present a general picture of the educational opportunities available at the School. The final section of this paper describes other programs that were also considered as part of the study. These proposals are now in various stages of review.

IV. The Results

1. A New Law Degree, the Two-Year Master of Jurisprudence.

Stanford Law School has introduced one new law degree: the Master of Jurisprudence (J.M.). Basically, the J.M. requires two years of law study. Since almost every state requires three years of legal education to qualify to take the state bar examination, the J.M. is a nonprofessional law degree. It is designed for students whose primary career interests are in fields outside the legal profession but who wish to obtain training in law. For example, a student interested in public or business administration, or journalism, or a stu-
dent pursuing an advanced degree in economics or another social science, may find the J.M. suitable for his purposes. It is not an intermediate step toward the J.D., but rather a terminal degree in law; the holder of a J.M. will not, however, be denied the opportunity to reapply to the Law School for admission to complete the study requirements for the J.D. or another more advanced law degree. A student need not choose between the J.M. and J.D. degrees until near the end of his second year, and admission standards are the same for these two degrees.

The J.M. offers three primary advantages. First, it provides a vehicle for people from other disciplines, professions, or vocations to obtain a basic legal education in two years. The student who feels the third year of law study to be inessential to his purposes may leave at the end of the second year as a degree-holder rather than a dropout. Second, the existence of the J.M. may help to bring a special focus to bear on the third year of legal education at Stanford. It indicates that the third year should be advanced work of a different educational character. Hopefully, this perspective will have a salutary effect upon students, faculty members, and those in the organized bar.

Third, this step may contribute to a much-needed review of the three-year requirement by bar examiners throughout the country. A gap has opened between attitudes of the bar toward legal education and attitudes of the schools. It will be far healthier for both if they can be brought closer together. Most of the bar is unaware that many legal educators are dissatisfied with the three-year requirement; the requirement is taken by the bar as immutable. If Stanford and other schools post a visible challenge to that proposition, the results on legal education could be far-reaching.

A number of alternative schemes were examined in developing the J.M. degree. Rather than impose course and unit requirements, students might take comprehensive examinations after a minimum period of residence and course work. It seemed preferable, however, to gauge a student's performance through his work in separate courses, at least until further experimentation in a less grandiose way with the concept of comprehensive examination.

A special academic standard (e.g., a 2.5 average) was also considered as a requirement for the J.M. degree. On balance, this approach seemed unwise. Each student should be allowed to decide for himself whether the degree should mark the end (at least temporarily) of his legal education. Some students who should take this option will be in the bottom of the class, others at the top. Additional legal education will be of more benefit than cost—or more cost then benefit—to students ranging over the entire academic spectrum.

Some argued that the first-year curriculum should have been changed for J.M. candidates to avoid what may be unnecessary concentration on analytic abilities at the expense of other skills. Others suggested that certain courses be required in the second year. These possible conditions were carefully analyzed and finally rejected. A primary reason was a desire to allow students to decide late in their second year whether they wished to take a J.M. degree or to go on for a J.D. The J.M. degree option will no doubt attract some who know from the outset that they do not wish to practice law. But others will come to that judgment only after a year or more of legal education. In a society preconditioned against dropouts, students have a strong disincentive to
terminate their legal study at the end of two years, even when they are convinced that they have no possible need for the third year.

Finally, some suggested a distributional limitation to insure some diversity in each student's curriculum after the first year. Such a limitation would prevent a student from including, for example, six international-law courses in making up the minimum number of course units. A distribution requirement was ultimately rejected, however, because many students who will choose the J.M. will be planning careers outside law practice—in business or the foreign service, for example. For them, specialization in one or a few fields may make good sense.

The J.M. offers a non-professional law degree after two years of the same legal education available to professional degree candidates. There is still place, however, for one- or two-year programs that would be specially designed to provide legal training for persons that do not intend to practice. Indeed, we believe that such programs are much needed, as suggested later in this article. Some may be developed at Stanford. But at this time, in view of current resources, we concluded that the J.M. program as designed was a sound step.

2. Doctor of Jurisprudence (J.D.).

The three-year degree remains the basic Stanford program for students intending to equip themselves for law practice. Much of the program remains essentially as before. Students still take required first-year courses and can choose their second- and third-year courses from among some 60 electives. These courses run the gamut from traditional offerings such as conflict of laws, and trusts and estates, to the innovative and experimental such as the university as a social system, legislative problems of the poor, legal education, and law and development. Small classes and written work still receive emphasis. Each first-year student spends a substantial amount of time writing in one of his classes, which is taught in small section form; second- and third-year students take at least three (and usually more) writing seminars. Many also work on directed research or a senior thesis; both provide an opportunity for an intensive research and writing experience especially designed for their own particular interests. A large number of students take one or two courses in another discipline for Law School credit.

Two new programs developed last year deserve particular emphasis. Each is a step in the School’s effort to provide individualized training.

(a) Research Program. In the course of the study it became evident that some students are interested in teaching and other careers for which they would benefit from training in research beyond doctrinal analysis. At the same time, the faculty have research interests and on-going work that relate to advanced research training. Some are interested in empirically-oriented research. Others are designing frameworks for analyzing the impact of law and legal institutions on society. Most do not deal exclusively with a particular case or cluster of controversies. Nor do they only analyze the wisdom of judicial decisions in terms of analytic consistency.

In addition, much of this research has links with other disciplines. The analyst of the impact of government regulation of business on the American economy turns to mathematics and economics to develop tools to aid in his own analysis. The scholar of the criminal process looks to the perspectives of
history, philosophy, and psychiatry for guidance. The lawyer may also find that he is not concerned with the questions that interest those in the other disciplines, but the tools and theoretical frameworks of those disciplines are increasingly helpful to him.

This confluence of student and faculty interests suggested the desirability of an arrangement for small groups of students, considering careers in research and teaching, to pursue programs carefully designed toward that end. On this basis, a program emerged that allows a limited number of third-year students to receive a full-year's credit toward the J.D. degree by working under the personal direction of two faculty members who, with the student, develop an individualized program of research, law and other courses, and independent work.

A student in the program normally arranges for his third-year research program in the fall of his second year. At that time he and the two faculty members with whom he will work design at least the basic outlines of the program to ensure that the student can do any necessary preparatory work—through courses or directed research—in his second year.

The research program is not limited to students with high grades. Consistent with the opportunities provided by the program, however, the supervising professors require a superior level of achievement by participating students. Those professors determine at the end of the first term whether students working under them have met the standard. If a student has not met it, he does not continue into the program for a second term. The supervising professors allocate term-unit credit for any student who may step out of the research program after one term.

The research program requires substantial time for those faculty members involved to provide adequate supervision. A limit of three students per faculty member at any one time therefore seemed appropriate, at least at the outset. This means that the number of participating students at any one time is limited to one and a half times the number of supervising faculty members.

Specific proposals for participation in this program develop in either of two ways. First, students desiring to work in close collaboration with two particular faculty members may apply to those faculty members. If the faculty members agree, they and the student design the student's plan of study. Normally, one of the faculty members takes primary responsibility for guiding the student and the other provides back-up assistance. But the division of duties varies according to the interests of the faculty members and the student.

Alternatively, a faculty member wishing to supervise one or a few students interested in scholarly research in a particular area notifies the Chairman of the Faculty Committee on Interdisciplinary Studies and Research. (That permanent Committee, another of last year's innovations, is specially charged with developing new research opportunities for interested faculty and students as well as closer intellectual ties with the rest of the University.) In the fall the Committee circulates to students the memoranda received from faculty members. A student interested in research and study along the lines suggested by a faculty member then approaches him to work out the details of the particular program with that faculty member and a faculty colleague.
Currently, three students are devoting their third year of law school to the research program, each in a different field. Each is taking interrelated courses in the area of his concern both within and without the Law School. Each is devoting a substantial portion of his energies to research and writing. Next year we expect that more students will be involved. It will take several years before judgment can be reached on the success of the research program as a whole; but we are optimistic.

(b) *Extern Program.* For some years Stanford students have been offered practical experience in the area of legal services to the poor. The Stanford Legal Aid Society sponsors more than ten programs in which students worked with private lawyers, judges, public defenders, district attorneys, correction officers, and others to learn more about the practical problems of law practice and to help provide legal services for the poor at the same time. About one-quarter of the School’s students are engaged in this effort. In the course of our study, however, it became apparent that many were anxious to find ways to offer some law students a deeper exposure to the actual functioning of the legal process in courtrooms, administrative agencies, legislative bodies, and law firms.

On this basis, a variety of possible arrangements were explored for providing operational experience for interested students. There was general agreement among faculty and students on two primary criteria for judging any proposed program. First, the program should be an integral part of a participant’s educational experience rather than an excused leave of absence for which law school credit is given. Second, the program must provide an overview of the impact and operation of law on some area in ways that are not possible in the usual summer office clerkship or in the first months after graduation. A number of proposals seemed to boil down to little more than guises for allowing students to engage in any law-related activities they choose and calling it clinical experience.

After substantial discussion, the design of an experimental program slowly emerged. It allows a limited number of students (externs) in their fourth or fifth term to receive an equivalent of a semester’s credit for approximately six months of operational training in a designated position. Each extern returns to the School for at least a full term after this training. During this post-externship period he both contributes insights from his experience to others in the School and gains academic perspective on that experience. For each position in the extern program, a faculty member: (i) arranges with an outside supervisor a program of work experience satisfactory to that faculty member and the participating student; (ii) selects any courses that must be taken before or after the externship; (iii) maintains contact with the student during his extern training, including periodic meetings if possible; and (iv) reviews and passes upon a major paper that the student is required to write based on research material accumulated through and during the operational training.

Fourteen positions were chosen for the first year of the program, beginning in January 1970. These positions are divided into six categories:

—administration of justice (three—with the Adult Probation Department of San Mateo County, and the Juvenile Probation Departments of San Mateo and Santa Clara Counties);
land planning (one—with the San Francisco Redevelopment Agency);

trial courts (two—with the Presiding Judge of the Superior Court, Santa Clara County, and a judge in the Palo Alto Municipal Court);

appellate courts (two—with justices of the California Court of Appeal, First Appellate District);

comparative-law training (one—with Professor Mauro Cappelletti in Florence, Italy);

administrative law (five—with the Center of Law and Social Policy in Washington, D. C.).

Each of these positions has been worked out with substantial care by the supervising faculty member and the outside supervisor. If these positions prove successful, others may be added. For example, one faculty member has suggested a state legislator with whom he thinks a student could gain a valuable educational experience; other faculty members have proposed additional possibilities. At the outset, however, it seemed best to begin with a group of positions that was large enough to provide the basis for a fair test, but small enough to be manageable as an experiment. After a year's experience, the School should be in a position to make a preliminary evaluation of the program, to develop new positions, and perhaps to drop some of those we have.

In each case, the outside supervisor works closely with the extern to help ensure that he gains insight into the legal process and environment that goes beyond working on a series of particular cases. The externs working with the two appellate judges, for example, spend much of their time doing empirical research on the operations of the California judiciary and possible schemes for improving the judicial system. The student extern with the San Francisco Redevelopment Agency has an opportunity to observe the competing pressures in the urban renewal process. The other positions offer similar opportunities. Each enables an extern to observe and evaluate at close hand the day-to-day functioning of a legal institution in our society.

In the ordinary course, the training lasts from February 1 through July 31 for one group of participants and from July 1 through December 31 for the other group. The first group finishes their research papers in August and the second group in January. Participants pay tuition to the School while they are in the program during the regular academic year. Some of the fourteen positions offer a salary to a participant in the summer.

Nine of the 14 positions are in the Bay Area, and each participant in those positions meets with his supervising faculty member from time to time during his training. The other participants are at the Center for Law and Social Policy in Washington, D. C., and keep in contact with their supervising faculty members by mail and some sporadic personal contact.

The research and extern programs add significantly to the range of opportunities available to interested students. Those wishing to do a substantial amount of research in a particular field, but not enter the full-research, may write a senior thesis or do directed research and take courses within and outside the Law School in an almost infinite variety of combinations and intensity of concentration. Students interested in operational training, but for less
than a full semester, can work in one of the Legal Aid programs or in a seminar that combines field work with classroom study. When combined with the joint-degree options described below, J.D. students have a wide array of components from which to design their own educational programs.

3. Joint Degree Programs.

Some law students wish to intensify their awareness of the non-legal environment in which the law operates; for their career purposes, they wish to pursue in depth graduate study in another discipline. Some of these students want to develop a special background in, for example, the economics of anti-trust or the politics of government regulation of business. Others contemplate careers in university teaching and research or are attracted by the rapid development of applied research institutes, which are encouraging serious research on social and governmental problems. Still others wish to bring the lawyer's perspective to bear upon a career role lying outside the law, such as that of the business executive. For some of these students, the Law School had developed the joint-degree programs with the Graduate School of Business. Joint Programs with the Department of Economics and the Department of Political Science were added last year. The possibility of other joint-degree programs is being explored.

(a) Joint Program with the Department of Economics. A joint program offered by the Law School and the Department of Economics provides the opportunity for a student to pursue either the J.M. or the J.D. degree together with either a Masters of Arts (A.M.) or Doctor of Philosophy (Ph. D.) in economics. In the normal case, a student can complete a J.D. and all the requirements for the Ph.D. (except the dissertation and University oral examination) in four and one-half years. A student can earn an A.M. and J.M. in three academic years. A program leading to the J.D. and A.M. in economics, or to the J.M. and the Ph.D. in economics, would normally fit within these time ranges. Candidates for the joint program are independently admitted to the Law School and to the Department of Economics.

Economics offers a rich array of fields that connect in direct and relevant ways to ongoing work in the Law School. Most students prepare themselves in micro- and macro-economics and then choose specializations from among the following areas of concentration: monetary theory, public finance, labor economics, structure of industry, international economics, econometrics, mathematical economics, economic development, economic history, and urban economics.

(b) Joint Program with the Department of Political Science. A joint-degree program offered by the Law School and the Department of Political Science permits a few students to pursue a J.M. or J.D. in conjunction with a Master of Arts (A.M.) in political science. Typical fields of combined study are comparative law and comparative politics; American politics and constitutional law; government regulation and public administration; and international law and international relations. The students are able to complete the A.M. and the J.M. in three academic years, or the J.D. and A.M. in somewhat less than four academic years.

The School has long offered two advanced-degree options. Like many such programs, however, they have been considered secondary to the main educational efforts of the faculty.

(a) The J.S.D. As a part of last spring's revamping, the faculty constructed a wholly new advanced-dissertation-degree program. The result that emerged is a program predicated on a professor-by-professor basis rather than on a schoolwide basis.

The main objective of the J.S.D. candidate is mastery of a field, or combination of fields, of law and the production of a dissertation. He is guided by a faculty supervisor who is an expert in the particular area of concentration. The faculty member and student develop the student's program on a one-to-one basis.

The School provides the matchmaking service. In the spring each faculty member is asked whether he wishes to supervise one or two graduate students on topics of his choosing, beginning a year from the following fall. In response to subsequent inquiries from possible applicants, the School provides a list of supervising professors and fields available in the following year. Applications are directed to a particular professor and the particular field he has designated. He decides whether to choose one, two, or none among the applicants. Thus, all those who apply are matched to particular faculty interests.

Obviously the number of applicants will not be great, but limitations of resources, financial and faculty, require that the post-J.D. program be small in any case. No faculty member is required to participate in advanced-degree training; the program is entirely voluntary. Faculty members have some incentive, however, to participate. They work with graduate students of their choosing in areas of their interest.

All post-J.D. students are required to be in residence at Stanford for at least one academic year, and in the normal course we expect that the J.S.D. candidate will produce the dissertation here. The off-campus dissertation is the bane of most advanced-degree programs in law as in other disciplines. The School imposes no course or other academic requirements upon J.S.D. candidates except the dissertation. All other requirements are set for a particular graduate student by his faculty supervisor. Three faculty members, including the faculty supervisor, read and pass upon the dissertation.

The success of this program will depend in part on the School's ability to attract adequate funding for fellowships. Beginning next year, up to three fellowships will be offered in the field of criminal law and policy to persons contemplating academic careers in that field. The School is seeking funds to expand the program.

(b) The J.S.M. In the past, we have awarded a special-program degree (the LL.M.) to post-J.D. (J.D.) students who completed a modest schedule of courses and met certain other requirements, normally in one year. This special-program degree, the J.S.M., is now available as a terminal degree for a J.S.D. candidate if, at the end of a year in the program, it is evident that he had done acceptable work, but will not satisfy the J.S.D. requirements.

In exceptional circumstances, a student who holds a J.D. degree or its equivalent may be admitted to candidacy for the J.S.M. if he is interested in pursuing a one-year program of additional law study in a particular field. The study programs for these J.S.M. candidates are individually designed.
The J.S.M. is new nomenclature, developed as an incidental byproduct of the study. With the introduction of this designation, there is a coherence to the entire degree structure of the Stanford Law School: J.M., J.D., J.S.M., and J.S.D.

5. Impact of Changes.

The changes made in the Stanford educational program do not appear spectacular. But taken together, they have a significant potential for changing the face that legal education presents to the Stanford student. He no longer contracts for three years at nine courses per year. He may plan to stay two, three, four, or five years; he may pursue one, two or possibly three different degrees—and different kinds of degrees. He may specialize, combine his legal work with serious study in another discipline, concentrate on acquiring research skills, work outside the law school as a participant-observer in some law-related institution, follow a traditional law curriculum, or take up some mixture of new options. After the first year, his educational design is largely of his own making. Both the most professionally vocational student and the academically oriented student can design programs that fit their temperament, interests, and career goals.

On the basis of these changes the activity and study patterns of the student body may change substantially. At some point in the near future, in place of today's 150 third-year students in a general law program, there may be a smaller class—some 30 original entrants having departed with a J.M. after two years; there may be 30 or more who have had or are then undergoing extern experience; perhaps 10 will participate in full-year research programs of their own design; 25 may be in joint-degree programs with other parts of the University; another 10 may combine research and interdisciplinary studies; a handful might work on special concentrations such as law and psychiatry, or environmental studies; and the remaining 30 or 40 may pursue a general law program they have consciously chosen. The combination of program options and substantive diversity of faculty interests will provide each student with a number of possible paths.

For the faculty the changes add freedom and flexibility as well as new responsibilities. Faculty members need not participate in any new program unless they wish. But the incentives to participate are there: closer contact with motivated students in areas of special interest; opportunities for cross-disciplinary collaboration; and direct working arrangements with practitioners in courts, government agencies, public interest law firms, and policy research institutes. Student supervision figures into teaching-load expectations.

In addition to the program changes last year, a student-faculty committee added flexibility to the School's grading system. Guided by the principle that grades are primarily an informational aid to students, the committee devised a dual system, which leaves to the student to decide for each of his courses whether he elects to be evaluated by a grade or on the basis of credit/no credit. Elections must be made by the last day for dropping courses, about ten weeks into the 15 week term.

V. Other Proposals and Changes in Educational Program

As noted earlier, faculty groups worked on a number of matters that either do not require formal faculty action or are not yet ready for consideration.
The following arrangements are illustrative of the directions in which the School may be moving.

1. **Law for Undergraduates.**

   In the past, the School has regularly offered a course in legal process to undergraduates. New ways are being explored to enable interested members of the law faculty to provide a number of undergraduate offerings. Currently, some 6,000 Stanford undergraduates spend four years here and gain little, if any, understanding of the law and the legal process or of the ways lawyers attack and solve problems.

   The potential for offerings to undergraduates is almost infinite: courses dealing with property, the family, the criminal sanction, the Supreme Court, sociology of law, the legal profession, law and development, legal history, and civil and socialist law. Equally attractive might be courses that take up current legal-policy issues in, for instance, federal taxation, labor management relations, consumer protection, urban political participation, welfare legislation, and international relations. These offerings could provide an added dimension strengthening the social sciences and the humanities. Teaching undergraduates could also open up opportunities for joint courses with faculty in other departments, an appealing prospect especially in policy areas.

   As an initial step, the Law School will simply expand its points of contact with the undergraduate curriculum. Later, depending upon experience, joint majors may be considered.

2. **Specialized Training for Practicing Lawyers.**

   The School might offer significant educational opportunities to practicing lawyers along two possible lines. First, one or two faculty members in a particular field might develop a summer program for perhaps twenty or thirty specialists in that field. This program might be for one summer only, or might be repeated in subsequent summers, depending on the faculty interest and the demand. The program might include a seminar in the substantive area—giving attention to policy issues, substantial amounts of outside reading in the field and in related disciplines such as economics, and perhaps opportunities for directed research.

   A second arrangement would be for a small group of specialists, perhaps five or six, to participate in a term-long program partially integrated into the School's regular curriculum. In the field of natural resources, for example, such specialists might take the regular course in oil and gas, participate in a special seminar designed for them, take one or more courses in earth sciences or other related work, and also do research and writing.

   In each case, arrangements would obviously have to be tailor-made to fit the particular field involved, the interests and availability of faculty members, and the numbers of specialists.

3. **Teacher Training.**

   An arrangement to be designed in this area would add, on a limited basis, another channel for those who wish to become law school teachers. It would build on the School's teaching-fellow program, and, for the first time, emphasize the "teaching" in that label.

   Under a new arrangement, as tentatively conceived, Stanford's teaching-fellow program would be expanded from six to twelve participants. Teach-
ing fellows in the expanded program would continue to have responsibility for the writing portion of the first-year small section work. Two teaching fellows would, however, be assigned to each section, rather than one. This would allow each teaching fellow to spend approximately half-time on his small section work rather than full time. The other half of his time might be spent in a concentrated consideration of teaching aided by professors from the School of Education in conjunction with some from the Law School. A legal education seminar was begun this year for our teaching fellows and a limited number of students. Several education professors have taught successive segments of the seminar. These segments have considered learning theory, teaching techniques, course design, testing and evaluation, and other areas.

Further, the teaching fellows could spend time in different Law School classes watching a number of professors teach and studying their techniques. Hopefully, they would also have a chance to talk about those techniques with the professors in informal discussions. The teaching fellows might also have some opportunities to teach the small first-year sections from time to time. And there are other possible ways in which the teaching fellows could be helped to become better teachers.

This program would not be intended as a model for teacher training. At best it would be only one of a number of different ways to become a law school teacher. Nevertheless, it may offer an opportunity for those interested in teaching to spend a year in preparation for that experience—to learn something about the background, techniques, and methods of teaching before beginning the process on a full scale.

4. Para-Professionals.

The inevitability of the emergence of para-professionals in law does not ensure that it will be handled wisely. In fact, we are inclined to bet otherwise, unless the law schools become involved in planning and designing the training and in setting the standards for para-professionals. To determine the proper scope for lay people with various kinds of training is a complex set of interlocking problems that demands much rigorous fact-gathering and even more rigorous analysis. What do lawyers actually do in their day-to-day work? On what matters do they exercise judgment? What information and training does this exercise of judgment require of them? Are there certain portions of these judgmental areas that can be delegated to and performed by people without a full legal training? If so, how does one set workable limits to this discretion and protect the client and the public? What objectives should the training of these people seek? How does one match up the elements of a training program with the work which the lay people will do?

Anyone approaching these problems would need an immense amount of knowledge about the many kinds of law practice, their differences and their similarities. He would have to be fully sensitive to the subtleties of the human problem-solving process. Good design for para-professional services is a complex intellectual puzzle.

Several at Stanford have been considering these problems for some months. They are particularly intrigued by the concept of developing para-professional
training at one or more California Junior Colleges. There are obvious difficulties. The kind of training suitable for work in a legal aid office, for example, may be quite different from the training needed for a large law office. But hopefully progress can be made in this important area.

5. Special Law Training for Other Career Professionals.

Journalists, foreign-service officers, career government administrators, businessmen, and other professionals deal with aspects of law every day. Many with whom we talked indicated interest in the study of law. None can afford three years. Some could spend a year; many, a summer term or perhaps two.

Various special opportunities exist for some of these professionals to study law. Journalism Fellows at Stanford, for example, have taken courses at the Law School. But we know of no specially-designed program of law courses and study for any of these groups. A few at Stanford are interested in the idea, and some experimental arrangement may emerge.

VI. Mechanisms for Change

One of the most troublesome facets of reform at any law school is its spasmodic quality. A school girds itself for a year or so, goes through a cataclysmic effort, then relaxes into its slumbering ways. Over the next decade, the pattern of change will almost certainly be more rapid and less episodic. That should be the pattern. But how to bring it about?

Curricular changes occur in various ways. Sometimes committees review existing structures, sift through ideas, accept some and reject others. Sometimes a few faculty members try to work out plans that capture underlying trends and bring them to the surface somewhat faster. Sometimes an individual strikes out in a new direction on his own, and others follow.

There is no one best way to promote constructive change, and all ways should remain open at all times. A school can always have a curriculum committee; most always do. But cranking up a full-scale committee review can break the most energetic if done too frequently. Most faculty members have developed new courses and curricular ideas. But most have also thought of doing more if only they had the time.

Stanford Law School is still considering various ways in which mechanisms for change can be built into its institutional structure. Our study explored a variety of possibilities. One of the most promising is a new Stanford University program in which a select group of young faculty members are released from their regular academic responsibilities for three years. These Fellows of the University have half of their time free for their own development as teachers and scholars and are expected to devote the other half to University service. A Fellow of the University from the Law School could play an important part in developing a pattern of continuing experimentation at the Law School, particularly in its relations with the rest of the University. Other mechanisms to promote innovation are also under consideration. We expect that several will become a permanent part of the changing structure of legal education at Stanford.