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# A Law School for the 21st Century: A Portrait of the Inaugural Class at the University of California, Irvine School of Law

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# A Law School for the 21st Century: A Portrait of the Inaugural Class at the University of California, Irvine School of Law

Carroll Seron\*

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## I. INTRODUCTION

Who are the lucky students who decided to be a part of the inaugural class at the University of California, Irvine School of Law (UCI Law)? Why did these highly qualified individuals decide to take a chance at a new school? In a word, many decided to come to UCI Law because they were drawn to the opportunity of being in the first class at a law school that seeks to reshape the curriculum of legal education.<sup>1</sup>

In this article, I examine these students' decision in the context of the twin challenges of legal education. On the one hand, a large body of research on professional socialization suggests that UCI Law students' values, commitments, and career trajectories will echo their counterparts at similarly situated, highly selective law schools: while many students begin their legal education with plans to be public interest lawyers, by the end of the first year their sights are set on careers

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1. See *infra* pp. 64–65. All students also received scholarships to cover tuition for three years, assuming they remained in good academic standing.

in corporate law, with the all-important caveat that they plan to keep their options “flexible.”<sup>2</sup> On the other hand, an equally large body of research suggests that law schools do not operate in a vacuum, but are highly susceptible to institutional pressures to conform to the “taken-for-granted” practices of legal education; thus, while UCI Law begins with a faculty committed to an innovative approach to legal education, the pressures of accreditation, rankings, and professionalism itself may undermine their genuine aspirations to develop an alternative model.<sup>3</sup> Of course, it is far too early to draw any conclusions about where the students at UCI Law will practice or whether the school itself will succeed in meeting its goal. Thus, my task in this article is much more modest.

First, I review the literature on professional socialization, focusing on the “match” between job seekers and opportunities. Second, I briefly describe the points of innovation in the curriculum at UCI Law, focusing on the role of clinical education in shaping a distinct identity.<sup>4</sup> In the third part of this article, I present descriptive findings from a survey of the inaugural class at UCI Law; we plan to revisit these students as they launch their careers, so the goal in presenting these findings is to whet the reader’s appetite.

To be sure, the challenges of launching a new law school, particularly in a recessionary economy, are many. Equally, today’s law school graduates are facing challenges finding a job in the current economic climate; whether these challenges will be with us in 2012 when UCI Law graduates its first class remains an open question.<sup>5</sup> But there is much to suggest that this thoughtful experiment is worth watching for the promise it holds in meeting many of the legitimate criticisms of legal education.<sup>6</sup>

## II. PROFESSIONALIZATION: LEARNING TO BE A LAWYER

It is a truism among scholars of the legal profession that law students begin their education with the goal of doing “good works” in such areas as criminal, family, environmental, or poverty law. But, the truism goes, by the end of the first year the vast majority of these same students have set their sights on corporate

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2. See DEBRA J. SCHLEEF, *MANAGING ELITES: PROFESSIONAL SOCIALIZATION IN LAW AND BUSINESS SCHOOLS* 197 (2006).

3. Carrie Hempel & Carroll Seron, *An Innovative Approach to Legal Education and the Founding of the University of California, Irvine School of Law*, in *LEGAL PROFESSIONALISM IN CRISIS* 170 (Scott L. Cummings ed., 2011).

4. See John Van Maanen, *Golden Passports: Managerial Socialization and Graduate Education*, 6 *THE REV. OF HIGHER EDUC.* 435 (1983) for an interesting discussion of the organizational identity of professional schools.

5. See, e.g., Nathan Koppell, *Bar Raised for Law-Grad Jobs*, *WALL ST. J.*, May 5, 2010, at A3; Lisa Faye Petak, *Law Students Turn to Public Service*, *N.Y. TIMES*, Aug. 10, 2010, at A14; Catherine Rampell, *The Two-Track Lawyer Market*, *N.Y. TIMES ECONOMIX BLOG* (Jul. 26, 2010, 12:22 PM), <http://economix.blogs.nytimes.com/2010/07/26/the-two-track-lawyer-market/>.

6. See *infra* pp. 57–59 (describing, e.g., the school’s innovative clinical learning requirements).

practice, with the proviso that they plan to “keep their options open.”<sup>7</sup> Of late, it has been argued that the culprit in corrupting students’ aspirations is students’ educational debt; as students watch their debt mount, they claim that they cannot afford to take a public interest job, repay their loans, and begin to take on the responsibilities of adulthood.<sup>8</sup> A closer look at this truism about student aspirations and debt reveals, however, a more nuanced picture.

Professional socialization unfolds in the immediate context of students’ educational experience as well as in the broader context of the supply of and demand for various kinds of positions in the legal marketplace. Students are initiated into the world of law at school, where they are introduced to the knowledge and language of law, the skills and techniques of practice, and the values, ethics, and meaning of being an officer of the court. This experience unfolds, however, against the practical backdrop of getting a job upon graduation. I begin, then, by sketching the landscape of the supply of legal positions across various sectors of the profession.

*The supply side of the equation:* Over the last several decades, the size of the legal profession has grown enormously, from 355,242 lawyers in 1971 to 857,931 in 1995 to 1,180,386 in 2009.<sup>9</sup> The growth in the size of the profession is, however, skewed toward positions in the for-profit side of the legal labor market. Kornhauser and Revesz describe this landscape, comparing the for-profit and non-profit labor market and average starting salaries in these sectors. For-profit positions refer to jobs in law firms, including the full range from solo and small firms to large, elite corporate firms and general counsel positions in corporations; non-profit positions refer to jobs in state, local, and federal government, legal services, public interest organizations, and legal education. A comparison of these sectors from 1960 to 1991 shows that the lion’s share of positions, with some slight variations, has been in the private sector.<sup>10</sup> The pattern remains for the period of 1991 to 2009.<sup>11</sup> Within the for-profit sector, there has been a consistent

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7. Schleef, *supra* note 2. See Christa McGill, *Educational Debt and Law Student Failure to Enter Public Service Careers*, 31 L. & SOC. INQUIRY 677, 678 (2006). See generally ROBERT GRANFIELD, *MAKING ELITE LAWYERS: VISIONS AT HARVARD AND BEYOND* (1992); ROBERT V. STOVER, *MAKING IT AND BREAKING IT: THE FATE OF PUBLIC INTEREST COMMITMENT DURING LAW SCHOOL* (1989).

8. See, e.g., Lewis Kornhauser & Richard Revesz, *Legal Education and Entry into the Legal Profession: The Role of Race, Gender, and Educational Debt*, 70 N.Y.U. L. Rev. 829 (1995).

9. John P. Heinz, Robert L. Nelson & Edward O. Laumann, *The Scale of Justice: Observations on the Transformation of Urban Law Practice*, 27 Ann. Rev. Soc. 338 (2001); American Bar Association, *National Lawyer Population by State* (2009), available at [http://new.abanet.org/marketresearch/PublicDocuments/2009\\_NATL\\_LAWYER\\_by\\_State.pdf](http://new.abanet.org/marketresearch/PublicDocuments/2009_NATL_LAWYER_by_State.pdf).

10. Kornhauser & Revesz, *supra* note 8, at 839.

11. See *Occupational Employment and Wages: Lawyers*, BUREAU OF LAB. STAT., <http://www.bls.gov/oes/current/oes231011.htm> for an overview of employment patterns among lawyers (last visited Nov. 15, 2010).

pattern of growth in large firms and a concomitant increase in starting salaries at elite firms, particularly in the key cities of Chicago, Los Angeles, New York, and Washington, D.C.<sup>12</sup>

To benchmark comparison to non-profit salaries, Kornhauser and Revesz use the starting salary of an assistant U.S. attorney. The discrepancy in the starting salaries of U.S. attorneys and large-firm lawyers remains significantly wide: in 2009, the median starting salary of an attorney at a large firm (251 or more lawyers) in Los Angeles was \$160,000,<sup>13</sup> whereas the starting salary of an Assistant U.S. Attorney was \$49,544.<sup>14</sup> Overall, there is greater opportunity for employment for lawyers in the for-profit sector, and there is an increasing inequality, as measured by income, between the sectors. Put differently, income levels in the non-profit sector (while always lower than for-profit jobs) have simply not kept pace with their for-profit counterparts.

The question arises whether debt burden at graduation is another factor pushing law students toward for-profit jobs where, as we have seen, the opportunities for employment are greater and the salaries are higher.<sup>15</sup> Over the last two decades, there has been a rapid rise in law school tuition and, with that, law student debt.<sup>16</sup> The tuition-debt trend has led to growing concern that debt is driving students away from careers in public service and government.<sup>17</sup> But, as McGill finds, corroborating the earlier research of Chambers and Kornhauser and Revesz, “educational debt is not a significant predictor of whether or not students begin their legal careers in government or public interest jobs.”<sup>18</sup> McGill examines the impact of debt from two perspectives, first by analyzing the impact of the legal labor market on student placement, and second by analyzing students’ attitudes and expectations toward employment. Again supporting findings from

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12. Kornhauser & Revesz, *supra* note 8, at 865–971; *How Much Do Law Firms Pay New Associates?*, NALP BULLETIN, Sept. 2009, available at <http://www.nalp.org/2009septnewassoc salaries> (last visited Nov. 15, 2010).

13. *How Much Do Law Firms Pay New Associates?*, *supra* note 12.

14. *Career Guide to Industries: Federal Government* (Dec. 17, 2009), BUREAU OF LAB. STAT., <http://www.bls.gov/oco/cg/cgs041.htm#earnings> (last visited Nov. 15, 2010) (U.S. attorneys are hired at GS 11, Step 1).

15. See generally JOHN P. HEINZ & EDWARD O. LAUMANN, CHICAGO LAWYERS 111–13 (1982); JOHN P. HEINZ ET AL., URBAN LAWYERS 57–60 (1992). Research has shown that the mobility patterns of law school graduates are highly stratified. On balance, graduates of local and regional schools are less likely to be recruited by large and even medium-sized corporate firms than their counterparts from elite law schools. As measured by LSAT score and college GPA, the profile of the inaugural class at UCI Law tracks with their counterparts from other elite law schools; see pp. 61–62 *infra*. Thus, it is reasonable to assume that UCI Law graduates will enjoy a range of employment opportunities.

16. McGill, *supra* note 7, at 678.

17. *Id.*

18. *Id.*; see also Kornhauser & Revesz, *supra* note 8, at 829; David Chambers, *The Burdens of Educational Loans: The Impacts of Debt on Choice and Standards of Living for Students at Nine Law Schools*, 42 J. LEGAL EDUC. 187 (1992).

Kornhauser and Revesz, McGill finds that

[D]ebt did not have a significant impact on the likelihood that schools' students would enter the public sector, but other economic factors were influential. The salary gap [between for-profit and non-profit jobs] had a highly significant effect on students' entrance into the GPI [government and public interest] sector . . . . The other significant economic factor was the . . . relative supply of GPI jobs. Students who graduated from schools located in states that employed a relatively higher proportion of lawyers in the public sector were more likely to send their graduates into that sector.<sup>19</sup>

Findings from surveys to a representative cross-section of graduates (i.e., from elite, prestigious, regional, and local law schools) reveal that, after controlling for debt, students who placed a high value on working in the GPI sector and then took summer jobs, particularly during the second summer, in that sector were significantly more likely to enter the GPI sector at graduation.<sup>20</sup>

In addition to the growth of the for-profit sector relative to the non-profit sector and the growing inequality between these sectors as measured by income, today's law school graduates will experience significantly more job changes<sup>21</sup> and specialized practices<sup>22</sup> than their counterparts of earlier generations. As Heinz, Nelson, Laumann, and Sandefur show, increasing specialization and job changing is fueled, in large part, by the enormous growth in the size of large law firms over the last several decades. Growth in firm size has resulted in recruitment of associates from a wider spectrum of law schools; given the static size of the class of elite law schools and the concomitant growth in law firms, it was inevitable that firms would begin to recruit from a wider spectrum of backgrounds.<sup>23</sup> While a larger proportion of the profession will work in a large law firm at some point in their careers, they are less likely to become partners and more likely to experience numerous job changes compared to earlier generations. Closely related to the

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19. McGill, *supra* note 7, at 692.

20. McGill, *supra* note 7, at 702. *See also* Howard Erlanger et al., *Law Students and Job Choice: Some New Data on an Old Question*, 60 LAW & SOC'Y REV. 851, 864 (1996).

21. JOHN P. HEINZ ET AL., *URBAN LAWYERS: THE NEW SOCIAL STRUCTURE OF THE BAR* 145-47 (2005).

22. HEINZ, *supra* note 21, at 35-36.

23. Of course, the changes in backgrounds of elite firm lawyers are not only reflected in the wider representation of a cross-section of schools. Equally, the profession has undergone enormous changes in its racial and, especially, its gender composition. Not only is the profession more diverse, but minority and female graduates, at least at the entry stage, are recruited from law schools to large firms. The picture gets much more complicated, however, when we turn to an analysis of the probabilities of promotion to partnership. *See* HEINZ ET AL., *supra* note 21, at 73; Monique R. Pinkus-Payne et al., *Experiencing Discrimination: Race and Retention in America's Largest Law Firms*, 44 LAW & SOC'Y REV. 553, 585 (2010).

increase in job changes, legal practice is today more specialized by areas of law—for example, taxation, patents, immigration, or entertainment law.<sup>24</sup> Even before the shake-up in the legal labor market on the heels of the Great Recession, there was a lot more change in career patterns compared to earlier generations. How increasing specialization will affect career patterns remains, however, an open question: it is simply too soon to sort out whether specializations, and which specializations, will be advantageous or disadvantageous in the next decade.

There are several important messages to take away from this sketch of the supply side of the equation. First, the growing income inequality between the for-profit and non-profit sectors of the legal labor market coupled with the absolute growth in for-profit relative to non-profit jobs has real consequences for the proportion of students who opt for public sector jobs. Second, regardless of debt burden, those students who enter law school firmly committed to public sector work *and* stay the course by taking summer jobs (particularly during the second summer) in the government/public interest sector are significantly more likely to begin their careers there. Third, and quite importantly given the fiscal crises facing most states across the country, “the biggest barrier” is not the lack of demand for government and public interest jobs by graduates, but rather the short supply of such jobs.<sup>25</sup> Fourth, regardless of where graduates begin their careers, they will experience significantly more job changes and work in more specialized fields of practice than earlier generations.

*Becoming a lawyer:* Sociologists have long demonstrated that professional work requires training in the technical expertise of a particular field, the skills and habits of mind to work effectively with clients, and an appreciation of the special ethical responsibilities that come with the privileges of professionalism.<sup>26</sup> Indeed, a large body of research consistently demonstrates that professional work requires the intangible quality of exercising discretionary judgment in what are often messy, complex situations.<sup>27</sup> Technical expertise is, therefore, a necessary but by no means sufficient foundation for a successful career in the law, or any profession for that matter.

Professional schools, including law schools, have struggled with finding an appropriate balance between what the most recent Carnegie Report, *Educating Lawyers: Preparation for the Profession of Law* (hereafter the Carnegie Report), describes as the three apprenticeships of legal education: (1) intellectual/cognitive, or the knowledge that derives from reading and learning the law; (2) expert practice, or the hands-on understanding and challenges of working with clients;

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24. HEINZ ET AL., *supra* note 21, at 35–36.

25. McGill, *supra* note 7, at 677.

26. ELIOT FREIDSON, PROFESSIONAL POWERS: A STUDY OF THE INSTITUTIONALIZATION OF FORMAL KNOWLEDGE 158–85 (1986); E.C. Hughes, *Dilemmas and Contradictions of Status*, AM. J. SOC. 353–59 (1945).

27. Hughes, *supra* note 26, at 356–59.

and (3) identity and purpose, or the development of a commitment to the special qualities of what it means to be an officer of the court.<sup>28</sup> Assessing the current status of legal education, the Carnegie Report finds that, on balance, law schools continue to give much greater emphasis to an apprenticeship in intellectual/cognitive development and tend to marginalize apprenticeships in expert practice and identity and purpose. Over the last several decades, law schools have expanded their offerings in clinical legal education and made coursework in legal ethics a requirement, but these fundamental aspects of becoming a well-rounded practitioner do not receive the attention they require.<sup>29</sup>

Against this backdrop, how, then, do students construct a professional identity? As Schleef notes, the “Holy Grail” among elite law students has been the well-documented pattern that students begin their studies with a commitment to “social justice” and end up opting for first jobs in corporate law firms.<sup>30</sup> But, as Schleef goes on to note, students’ initial reasons for studying law are often more complex. While they are interested in “altruistic” careers, they are more often than not also concerned with the practical, including getting a job that will allow them to live comfortably and to do work that they will find interesting over the course of a long career. There are, her findings show, a sub-group of students who begin law school with a primary commitment to social justice issues (and this group tends to tip more toward women), but for most, there is a set of mixed motivations that capture students’ reasons for selecting law school. Importantly, and as noted earlier, students are concerned with remaining “flexible” about their future career plans; students do not so much reject their altruistic concerns, but rather reconstruct how they will go about fulfilling those commitments.<sup>31</sup>

If students enter law school with a “lay mythology” of the law that is gleaned from television, novels, and movies, they graduate with a new mythology, one that is anchored in the values of the legal profession itself.<sup>32</sup> In his thoughtful study, *Making it and Breaking It*, Stover describes the key characteristics of the first year of law school and identifies what might be described as the latent and manifest messages of the first-year ritual. It is a rite of professional passage that the first year of law school is highly stressful and, indeed, is designed to be so.<sup>33</sup> Five “interrelated factors” contribute to this stress. First, students are called on to learn a new, often arcane body of knowledge; this is stressful in itself. Second, he argues, there is, as a general matter, relatively limited feedback to students about

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28. WILLIAM M. SULLIVAN ET AL., EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW 98–99, 104–06, 145–61 (2007).

29. Hempel & Seron, *supra* note 3, at 178.

30. SCHLEEF, *supra* note 2, at 35.

31. *Id.*

32. STOVER, *supra* note 7, at 77–81.

33. *Id.* at 46; *see also* SCOTT TUROW, ONE L (1988) and MARTHA KIMES, IVY BRIEFS: TRUE TALES OF A NEUROTIC LAW STUDENT (2007) for firsthand accounts, as well as the iconic film, THE PAPER CHASE (Twentieth Century Fox Film Corp. 1973).



the quality of their work, which tends to create great uncertainty and anxiety among students about how they are doing by way of mastering these new materials. Third, though the Socratic method is not the only pedagogical style used by law faculty these days, it remains nonetheless popular with many. As a result, students find themselves in a situation where they confront the “daily possibility of exposure and embarrassment” for not knowing how to answer a question. Fourth, all students admitted to a highly selective law school have known academic success; in law school, they are confronted with equally successful counterparts and “must become accustomed to being ‘below average.’” Finally, there is the competitive aspect of law school as students seek to impress their peers and their teachers. The net effect of these first-year experiences “direct[s] beginning students’ attention toward their studies, leaving little psychic energy for [thinking about] long-term concerns.”<sup>34</sup> In a word, first-year law students are simply worried about getting through the hurdle and bracket concerns about why they are there.

Students emerge from the first-year ritual understanding that their all-important task is to master “systematic, analytical thinking” to solve complex legal problems, or to learn to “think like a lawyer.” In their classes, Stover finds, professors place a “repeated, if unintentional emphasis on the pecuniary aspect of legal practice” that is often heard through “green humor” or poking fun at the profession’s preoccupation with earnings and money. If the intent of these often more liberal professors is to build rapport, Stover notes, his findings suggest that students hear the humor quite differently and begin to identify with a profession that places a high value on earning a lot of money. In subsequent business-oriented courses, students, who began their academic careers thinking that they would dislike these classes, report that they are surprised to learn that they actually enjoy the materials and the intellectual challenge; further, there is the often practical constraint that law schools offer more and a wider variety of courses in business-oriented fields. The skew toward starting their careers in a corporate firm is often cemented through summer jobs, where they find that they identify with and genuinely like their mentors at these work sites. Together, these experiences—socialization into the legal “mythology” that more intellectual rigor is required in specializations related to business, the impact of subtle jokes about money and law, and work experiences at large firms—underscore for these neophytes “the importance of money, prestige, and career advancement” as pivotal professional values.

It should come as little surprise that students’ values and commitments will change over the course of their legal education; indeed, it would be surprising if it were otherwise. Across a wide range of studies, the pattern of this change is quite consistent, from what might be described as a “popular” image of the altruistic

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34. See also STOVER, *supra* note 7, at 43–67.

lawyer to a “realistic” image that is shared by those who are members of the legal fraternity (or sorority).<sup>35</sup> These studies also make clear that law schools are by no means innocent in shaping this transformation in values and orientations. Finally, and despite their three years of education, students share a concern that they are not quite ready to enter the world of work and so view their first job as part of their education, or a more thorough apprenticeship in practice; many reach the conclusion that the best place to acquire an apprenticeship in practice is at a large firm with the resources to mentor and support them in the early phase of their career. In light of the patterns of legal employment and relative salary differentials, the increased emphasis on specialization in legal practice, and findings from the Carnegie Report’s assessment of legal education, students’ decisions about where best to launch their careers may not be so much a sign of cynicism as realism and, indeed, professionalization.

### III. A LAW SCHOOL FOR THE 21ST CENTURY: THE FOUNDING OF THE UC IRVINE SCHOOL OF LAW

While law schools have little to no control over the legal labor market and the relative salary differences between for-profit and non-profit jobs, they do play a powerful role in shaping students’ socialization into the profession. Little has changed in the structure and design of legal education since the late nineteenth century, when Dean Langdell of Harvard Law School (HLS) devised a model of “teaching from casebooks in relatively large classes.”<sup>36</sup> While the HLS model is cost-efficient and effective for teaching students how to analyze a legal question, it falls short of the mark for the many other skills required of a lawyer starting practice in the early twenty-first century.<sup>37</sup>

The opening of a new School of Law at the University of California, Irvine presents an opportunity to revisit the topic of professional socialization. The goals of UCI Law are captured on its website, which states, “UCI Law seeks to create the ideal law school for the 21st century by doing the best job in the country of training lawyers for the practice of law at the highest levels of the profession.”<sup>38</sup> As the first new law school at the University of California in forty years, UCI Law recruited a law faculty from among the best schools in the country and a first-year class with a student profile comparable to top-twenty law schools. As Dean

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35. Erlanger et al., *supra* note 20, at 860.

36. Erwin Chemerinsky, *Rethinking Legal Education*, 43 HARV. C.R.-C.L.L. REV. 595, 595 (2008); see also Hempel & Seron, *supra*, note 3.

37. Critiques of the Socratic method developed at HLS are not new. For an early and prescient critique see Jerome Frank, *Why Not A Clinical Lawyer-School?*, 81 U. PA. L. REV. 907 (1933). For a comprehensive discussion of the history of legal education see ROBERT STEVENS, *LAW SCHOOL: LEGAL EDUCATION IN AMERICA FROM THE 1850’S TO THE 1990’S*, 38–42 (1983).

38. *About UC Irvine School of Law*, UC IRVINE SCH. LAW, [http://www.law.uci.edu/about\\_uci\\_law.html](http://www.law.uci.edu/about_uci_law.html) (last visited Sept. 6, 2010). Making the construct of practice the centerpiece of the UCI School of Law is distinct at this tier of legal education.

Chemerinsky states, “Our goal and the university’s goal was to be a top 20 law school from the moment we open our doors in August [of 2009].”<sup>39</sup> In sum, the founding goals of UCI Law are to design a curriculum that places the concept of practice at the center of legal education and to be positioned among the top tier of law schools in the country.

The founding faculty at UCI Law have designed a curriculum that, it believes, is more responsive to the array of analytical tools required of legal practice.<sup>40</sup> Perhaps the most innovative step, however, is the central place that will be given to the concept of practice and experiential learning, broadly defined. Indeed, in a step distinct from requirements at top-twenty law schools, the faculty reached the somewhat controversial decision to make a clinical course a requirement for graduation. The clinical requirement is, moreover, part of a broader emphasis on practice and hands-on experience that is woven into various facets of the curriculum.

Taking a cue from medical education, where students take clinical courses beginning in their third or fourth year, if not earlier, the curriculum at UCI Law will introduce practice skills beginning in the first year.<sup>41</sup> For example, during the first year, students are required to take a Lawyering Skills course that introduces them to bread-and-butter requirements of legal research, writing, and analysis, as well as practice-oriented skills such as fact investigation, interviewing, counseling, negotiation, oral advocacy, and document drafting. During their first year, students also take a course in the Legal Profession where, among other things, they are required to interview a practitioner and relate his or her work experience to the scholarly literature.<sup>42</sup> Building from course work, students get their hands “dirty”: in the second semester of Lawyering Skills, students move out of the classroom into practice settings, where they conduct intake interviews of actual clients for legal service organizations in Orange County. Additionally, each student is assigned both a junior and senior attorney mentor and is required to spend a

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39. *Id.* For a further discussion see Hempel & Seron, *supra* note 3.

40. For a more detailed discussion of the innovative steps taken by faculty in the design of the first-year class curriculum, see Hempel & Seron, *supra* note 3.

41. Chemerinsky, *supra* note 36, at 595–96; see also RICHARD ABEL, LAWYERS IN THE DOCK: LEARNING FROM ATTORNEY DISCIPLINARY PROCEEDINGS (2008) (discussing ways in which legal practice can benefit from steps taken in medical practice).

A recent article in *The New York Times* reports that medical schools are in fact requiring students to meet patients from day one of their education; medical educators are increasingly concerned that their students do not graduate with an appreciation of the skills required to work with patients; the steps toward early exposure to patients are designed to address this concern. Anemona Hartocollis, *In Medical School Shift, Meeting Patients on Day 1 To Put A Face on Disease*, N.Y. TIMES, Sept. 2, 2010, at A15 available at <http://www.nytimes.com/2010/09/03/nyregion/03medschool.html>.

42. Students attending law school at an accredited institution are required to take a course in professional ethics, which may be part of a course on the legal profession. At UCI Law, the legal profession is a two-semester requirement during the first year; both of these decisions are atypical compared to most schools. See Hempel & Seron, *supra* note 3.

specified number of hours observing lawyers at work. Thus, exposure to practice begins early and is systematically built into the curriculum beginning in the first year.

In the second year, students will select the clinical course they intend to take in the third year, either an in-house clinic or an externship course. Also during the second year, each student takes one or more courses designated as prerequisites for the clinical course requirement for the third year. These steps are designed to give students guidance in preparing for clinical coursework and in developing the habits of mind to integrate doctrinal analysis and practice. The implicit message of legal education is that, first, one learns the law and, second, one applies the law through practice. The pedagogical goal of UCI Law is to make the theory-practice, law book-law practice connection seamless and, in the process, demonstrate the challenge and complexity of both.

The faculty's decision to require a clinical course is premised on the belief that all law students should learn, as part of their formal legal training, what it means to be a lawyer by actually practicing law. This practice should take place under the close supervision of an experienced attorney and involve opportunities for simulated practice, feedback on performance, and reflection. Each clinical course should provide students with the opportunity to engage in some of the specific skills they will use in their chosen practice, whether that choice is to become, for example, a transactional lawyer or litigator in private practice, a government trial attorney, or a legal aid lawyer practicing in the area of community economic development. It should also provide the student with opportunities to consider questions of professional responsibility in the context of the actual legal problems of a real client and instill the importance of regularly providing pro bono legal assistance as an essential responsibility of bar membership. Finally, each clinic should provide an opportunity for students to play an integral role in addressing broader social justice concerns through the legal problems it addresses.<sup>43</sup>

To be sure, the UCI Law faculty will face many challenges in implementing a curriculum that, in their assessment, is more responsive to the contemporary demands of legal practice. Nonetheless, it is expected that students will graduate with a stronger foundation in and understanding of the complexity of the demands of their chosen profession. Of course, it remains to be seen whether students' evaluation of their legal education complements the faculty's approach to their professional socialization. But, at this point, we can provide a very preliminary description of the inaugural class's background, values, and aspirations.

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43. For a further discussion of the clinical requirements at UCI Law, see Hempel & Seron, *supra* note 3.

## IV. A PROFILE OF THE INAUGURAL CLASS AT THE UC IRVINE SCHOOL OF LAW

In this section, I present descriptive findings from a survey of the entering class at UCI Law; students completed the survey during the first few weeks of their first year, fall 2009.<sup>44</sup> Almost all students completed the survey, for a response rate of ninety-eight percent.<sup>45</sup> We consider UCI Law students' demographic profile, educational background, reasons for going to law school, political orientation, and aspirations for work upon graduation.

Typical of the trend in legal education, the class is gender-balanced with, indeed, slightly more women (53%) than men (47%).<sup>46</sup> The average age of the entering class is twenty-six years old. The racial/ethnic composition of the class is somewhat more diverse than the profile typical of elite law schools:<sup>47</sup> while just under sixty percent of the class reports that they are white and two percent report that they are African-American, the remainder are a mix of Hispanic and Asian backgrounds. Table 1 also shows students' religious identities, with over one-third (36%) identifying themselves as secular, and another third identifying as either Christian (18%) or Jewish (18%). Finally, Table 1 reports that thirteen percent of the inaugural class identify as Gay, Lesbian, Bisexual and/or Transgender (GLBT).

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44. During orientation week, all students received an initial email from Dean Erwin Chemerinsky, which explained the goal and encouraged them to complete a 20–25 minute confidential online survey. The email also indicated that Carroll Seron of the Department of Criminology, Law & Society at UCI was conducting the research. For one month, non-respondents received a weekly email reminder to complete the survey.

45. As noted on some tables, there are some specific questions that students did not answer.

46. See ABA Commission on Women in the Profession, *A Current Glance at Women in the Law 2009*, American Bar Association (Nov. 13, 2009), available at <http://www.abanet.org/women/CurrentGlanceStatistics2009.pdf>.

47. See *First Year J.D. and Total J.D. Minority Enrollment for 1971-2007*, American Bar Association, available at <http://www.abanet.org/legaled/statistics/charts/stats%20-%208.pdf> (last visited Oct. 26, 2010).

**Table 1: Demographic Characteristics**


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<b>Gender</b>	
<i>Female</i>	52.7%
<i>Male</i>	47.3%
<b>Birth Year (median)</b>	
	1983
<b>Race/Ethnicity</b>	
<i>Caucasian</i>	59.3%
<i>Asian American</i>	16.8%
<i>Hispanic</i>	9.3%
<i>Multi-racial</i>	9.3%
<i>African American</i>	1.9%
<b>Religion</b>	
<i>Secular</i>	36.4%
<i>Christian</i>	18.2%
<i>Jewish</i>	18.2%
<i>Other</i>	16.3%
<b>Sexual Orientation</b>	
<i>GLBT</i>	12.7%

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Note: Percentages do not always add to 100 because some declined to answer.

Table 2 reports students' educational background and work experience prior to entering law school. The inaugural class is a group of high academic achievers: over sixty percent of the entering class earned a grade point average in college of 3.74 (on a 4-point scale) or higher; the average LSAT score was 166.<sup>48</sup> The largest proportion of the class majored in a social science discipline (42%), followed by a field in the humanities (30%). Table 2 also reports their typical work experience prior to law school, where the vast majority (89%) worked full-time, followed by a mix of part-time and volunteer work. Table 3 reports the type of college (public versus private) attended and whether it was in California. The largest proportion (41%) attended a private college out of California and, indeed, a larger proportion

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48. In 2011, the average LSAT scores for the top ten law schools ranged from 170–176 (Yale) to 165–171 (University of Virginia); for the next tier (11–20), the average LSAT score ranged from 165–171 (Duke) to 163–168 (George Washington University). See *Top 2010 Law School Rankings*, Top-Law-Schools.com, <http://www.top-law-schools.com/rankings.html> (last visited Oct. 26, 2010).

attended a private (52%) college than a public (48%) college for their undergraduate education.

**Table 2: Educational and Work Background**

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<b>Undergraduate Graduation Year (mean)</b>	2005
<b>Undergraduate GPA</b>	
<i>3.74–4.00</i>	31.6%
<i>3.50–3.74</i>	31.6%
<i>3.25–3.49</i>	26.3%
<i>3.00–3.24</i>	10.5%
<b>Undergraduate Major</b>	
<i>Social Sciences</i>	42.1%
<i>Humanities</i>	29.8%
<i>Biological Sciences</i>	3.5%
<i>Physical Sciences or Mathematics</i>	3.5%
<i>Engineering</i>	3.5%
<i>Business</i>	3.5%
<i>Other</i>	14.0%
<b>LSAT Score (mean)</b>	166
<b>Work Experience Prior to Law School*</b>	
<i>Full-time Job</i>	86.7%
<i>Graduate School</i>	33.3%
<i>Part-time Job</i>	28.9%
<i>Part-time Volunteer</i>	17.8%
<i>Full-time Volunteer</i>	15.6%

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\* Work experience is only applicable to students that graduated from undergraduate school prior to 2009.

**Table 3: Crosstabulation Comparing Type of Undergraduate Institution and Location**

	<i>California</i>	<i>Out of State</i>	<b>Total</b>
<i>Public School</i>	32.1%	10.7%	42.9%
<i>Private School</i>	16.1%	41.1%	57.1%
<b>Total</b>	48.2%	51.8%	100.0%

Note: Two respondents declined to answer and were not calculated as part of the denominator.

Assuming good academic standing, all inaugural students received a tuition waiver for each year of their legal education. Given the escalating cost of legal education, even at public universities, the financial support offered to this class was an exceptional opportunity.<sup>49</sup> Despite this very generous support, the findings reported in Table 4 show that just under seventy-five percent of the class nonetheless expects that they will have debt for living expenses and related activities while in school. Their debt from law school will be added to their current educational debt—that is, on average, \$12,595. While UCI Law graduates will incur less debt than their counterparts at other public, and particularly University of California,<sup>50</sup> law schools, most will nonetheless have incurred some debt to cover the cost of their legal education. That said, the findings reported in Table 4 also suggest that the inaugural class is an optimistic group: on a scale from one to seven, where one is no influence and seven is high influence, on average, students do not foresee that their educational debt will affect where they choose to live (3.56), the sector of the legal labor market where they will get a job (3.88), when they will have children (4.02), which job to take (4.56), or their opportunity to purchase a home (4.64).

49. I have noted that prior research shows that student debt is not a good predictor of students' career choice. *See supra* pp. 52–53.

50. See *School of Law Fees 2010–11*, UC IRVINE SCH. LAW, <http://www.reg.uci.edu/fees/2010-2011/law.html> (last visited July 12, 2010) for a breakdown of the tuition and fees at UCI Law. The tuition at UCI Law is the same as UCLA School of Law, which are both lower than UC Berkeley. *See Fees & Cost of Attendance*, UC BERKELEY SCH. LAW, <http://www.law.berkeley.edu/6943.htm> (last visited Oct. 26, 2010).



**Table 4: Debt and Tuition**


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<b>Current Educational Debt to Date (mean)</b>	\$12,595
<b>Percent that plan to borrow money to help finance law school</b>	71.9%
<b>To what extent will having education debt upon graduation from law school influence your decisions about: (1–7; 1 = no influence)</b>	
<i>Home ownership</i>	4.64
<i>What job to take</i>	4.56
<i>When to have children</i>	4.02
<i>What sector to work in</i>	3.88
<i>Where to live</i>	3.56

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How important was the tuition scholarship in students' decision to attend UCI Law? Table 5 reports students' reasons for choosing to attend UCI Law in particular (upper panel) and law school in general (lower panel). These findings show that the tuition scholarship was clearly important in students' decision making, but interestingly, it was not the most important factor. On a scale from one to five, where one is very important and five is very unimportant, students, on average, rated the most important reasons for selecting UCI Law as the reputation of the dean (1.47), followed by the reputation of the faculty (1.64), the faculty-student ratio (1.72), and the tuition scholarship (1.93).

**Table 5: Important Factors in Choosing to Attend Law School**

**Rate the importance of each of the following factors in deciding to go to UCI law school (1–5; 1 = Very Important)**

<i>Reputation of dean</i>	1.47
<i>Reputation of faculty</i>	1.64
<i>Faculty-student ratio</i>	1.72
<i>Tuition scholarship</i>	1.78
<i>Law school's commitment to public service</i>	1.93
<i>Work opportunities as a consequence of scholarship</i>	1.98
<i>Clinical requirement</i>	2.10
<i>Faculty contacts</i>	2.14
<i>Prestige</i>	2.18
<i>Location</i>	2.24

**Rate the importance of each of the following factors in deciding to go to law school (1–5; 1 = Very Important)**

<i>Doors that are opened with a law degree</i>	1.55
<i>Intellectual challenge</i>	1.66
<i>Pursuit of social justice</i>	1.83
<i>Opportunity to work with other professionals</i>	2.21
<i>Compensation</i>	2.72
<i>Prestige of lawyers</i>	2.79
<i>Best way to get into politics</i>	3.36
<i>Wanted a graduate degree; J.D. best option</i>	3.72
<i>Uncertain of other options</i>	3.88
<i>Parental request/expectations</i>	4.09

As discussed earlier, the cost-effectiveness of American legal education is often achieved through large classes or a high faculty-student ratio. One important goal of UCI Law is to change this formula such that the faculty-student ratio will be considerably lower than similarly situated schools. Whether through popular movies, such as *The Paper Chase*, memoirs of attending law school, such as Scott Turow's *One L*, or stories from friends at other law schools, prospective students no doubt absorbed the popular image of a large law school classroom with rows and rows of students nervously waiting to be called on—and embarrassed. In

making their decision to attend UCI Law, the smaller faculty-student ratio ranked high in students' estimation.<sup>51</sup> Closely related to the above factors, the inaugural class rated UCI Law's commitment to public service (1.93) and work opportunities (1.98) as among the very important factors in reaching their decision. Interestingly, the clinical requirement (2.14) is down a notch compared to the factors discussed thus far. Students may simply assume that they will take advantage of the clinical opportunities, regardless of the law school attended, and, hence, the requirement appears somewhat less significant. At the end of the day, these high-achieving students place primary importance on academic reputation, as reflected in the reputation of the dean and faculty, a set of factors that we might imagine shaped their choice of college as well. What is noteworthy about these findings is that while the tuition scholarship was clearly an important factor, it is somewhat lower down in the pecking order than academic reputation.

Students' reasons for deciding to attend law school are reported in the lower panel of Table 5. Corroborating findings from studies of law school professionalization, these findings show that students' decisions were shaped by a combination of familiar factors. Echoing findings from Schlee's study, where a concern to remain "flexible" captures students' goals, the inaugural class at UCI Law ranked "doors that are opened with a law degree" as the most important factor (1.55). Reflecting Stover's findings that students "get" the message that what's interesting about law is the "intellectual challenge" of solving complex legal problems, UCI Law students ranked this as the next most important factor (1.66). And, echoing any number of studies, UCI Law students place a high value on doing work in "pursuit of social justice" (1.83). These findings suggest that UCI Law students share with their counterparts at other similarly situated schools a familiar set of reasons for pursuing a law degree. The findings reported here also show, however, that these students do not give as much weight to the "compensation" (2.72) or "prestige" (2.79) side of the ledger. Whether students' orientation to the practice of law remains organized around the hierarchy of values reported in Table 5, whether students' jobs out of school complement these values, and whether students' first-year optimism that whatever debt they do incur will not affect their decisions about jobs, where to live, and when to have children (see Table 4) is corroborated remain, of course, open questions.

Before turning to where students hope to find their first jobs upon graduation, we consider their political orientation, the kinds of memberships they had in various types of organizations, and the kinds of activities they did while in college (see Table 6). As a group, the inaugural class is decidedly more liberal on social (1.94) than on economic (3.06) issues. While they are, as a group, at the liberal end of this seven-point scale, there is a salient difference in their positions

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51. For a further discussion on legal pedagogy, see Chemerinsky, *supra* note 36.

between economic and social issues.<sup>52</sup> The middle panel of Table 6 reports extracurricular activities while in college. Just over three-fourths of the class (77%) report that they worked while in college to help defray the costs of their college education; students were also active in clubs (72%) and sports (33%). Also notable, just over half of the class (52%) spent some time on a study-abroad program while in college. At a more general level, the findings reported in Table 6 (lower panel) suggest that the UCI Law students join a variety of organizations. Overall, the findings reported in Table 6 suggest that the inaugural class is relatively homogenous by way of political orientation toward the liberal end of the spectrum and that they have engaged in a range of activities that are relatively typical of their age cohort.

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52. These students are generally more liberal than the country as a whole. The General Social Survey (GSS) reports that in 2006, the most recent year for which data are available, 27% of respondents considered themselves “extremely” to “slightly” liberal, 39% considered themselves “moderate,” and 34.5% considered themselves “slightly” to “extremely” conservative. *See GSS Statistics*, NATIONAL OPINION RESEARCH CENTER AT THE UNIVERSITY OF CHICAGO, <http://www.norc.org/GSS+Website/Browse+GSS+Variables/Subject+Index/> (last visited Oct. 26, 2010) (follow “p” hyperlink; then follow “political” hyperlink; then follow “political ideology” hyperlink; then follow “think of self as liberal or conservative” hyperlink). The GSS asks one composite question on political ideology.

**Table 6: Politics and Civic Participation**


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<b>Political leaning on social issues (1–7; 1 = Liberal)</b>	1.94
<b>Political leaning on economic issues (1–7; 1 = Liberal)</b>	3.06
<b>Percent that reported being a member of a:</b>	
<i>Political Party</i>	46.3%
<i>College Alumni Association</i>	25.5%
<i>Religious Organization</i>	18.9%
<i>Political Advocacy Group</i>	15.1%
<i>Charitable Organization</i>	14.6%
<i>Service Organization</i>	14.0%
<i>Organized Sports League</i>	11.5%
<i>Community/Civic Organization</i>	11.3%
<i>PTA or other School Organization</i>	5.8%
<i>Private Clubs</i>	3.9%
<i>Gender-Based Organization</i>	1.9%
<i>Race- or Ethnic-Based Organization</i>	1.9%
<b>While in college, percent that participated in:</b>	
<i>Work to support education</i>	76.8%
<i>Clubs</i>	71.9%
<i>Study abroad</i>	51.9%
<i>Sports</i>	32.7%
<i>Student government</i>	19.2%
<i>Religious organization</i>	16.7%
<i>Electoral campaigns</i>	14.8%
<i>Sororities/Fraternities</i>	14.8%
<i>Political action campaigns</i>	11.1%
<i>Debate team</i>	5.6%

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Finally, we consider students' aspirations for their first jobs and their expectations for work both in the short term, for their first positions, and over the arc of their careers. The findings reported in Table 7 suggest that these high-achieving students came to law school with the received wisdom that a clerkship, particularly a clerkship for a federal district or appellate judge, is a solid (and prestigious) launching pad: forty percent report that they hope to secure a position as a law clerk upon graduation. On the other hand, a very small proportion of the entering class (5%) look forward to a first job in a medium to large corporate firm. Rather, the more typical hope is that they will land a position in government (18%) or a public interest organization (18%). Indeed, no one in the entering class reports that he or she is interested in beginning a career in a corporation, a pattern that is underscored by their limited interest, on average, in "working with business and financial concepts" (3.65 on a five-point scale, where 1 is very likely; see findings reported in middle panel of Table 7). Rather, and echoing their reasons for attending law school in the first place (see Table 6, again reported on a five-point scale where 1 is very important and 5 is very unimportant), they seek positions with "challenging and interesting work" (1.39), followed by "ethically and socially fulfilling work" (1.54) and "balance between personal life and work" (1.61).<sup>53</sup> Again echoing earlier findings, on average, these findings suggest that these students are slightly more concerned about "job security" (2.14) than the "amount of compensation" in their first job (2.56).

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53. Kornhauser & Revesz, *supra* note 8, at 939–40; McGill, *supra* note 7, at 702.

**Table 7: Work and Life Expectations After Graduation**

<b>Likelihood of working full-time in the field of law within five years of graduation (1–5; 1 = Very Likely)</b>	1.58
<b>Top choice for first job after law school</b>	
<i>Law Clerk</i>	40.4%
<i>Government</i>	17.5%
<i>Public Interest Organization</i>	17.5%
<i>Private Practice—Small and Solo Firm</i>	7.0%
<i>Private Practice—Medium and Large Firm</i>	5.3%
<i>Academia</i>	5.3%
<i>Other</i>	5.3%
<i>Contract Lawyer</i>	1.8%
<i>Corporations/General Counsel</i>	0.0%
<b>How important is each of the following considerations for selecting a first job after law school? (1–5; 1 = Very Important)</b>	
<i>Challenging and interesting work</i>	1.39
<i>Ethically/ socially fulfilling</i>	1.54
<i>Balance between personal life and work</i>	1.61
<i>Substantive area of work</i>	1.71
<i>Opportunities for advancement</i>	1.75
<i>Quality of supervision and training</i>	1.78
<i>Variety of work experiences</i>	1.85
<i>High level of responsibility</i>	2.02
<i>Opportunities to do pro bono service</i>	2.07
<i>Job security</i>	2.14
<i>Opportunities for movement to another job</i>	2.47
<i>Amount of compensation</i>	2.56
<i>Using negotiation skills</i>	2.56
<i>Location of spouse or partner's job</i>	2.64
<i>Diversity</i>	2.66
<i>Concerns about the current state of the economy</i>	2.76
<i>Lifestyle amenities in surrounding area</i>	2.78
<i>Recognition</i>	2.80
<i>Working as a member of a team</i>	2.87
<i>Opportunities for travel</i>	2.93
<i>Time demands on spouse or partner's job</i>	3.20
<i>Providing feedback on the work of others</i>	3.35

**Table 7 (continued)**


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<i>Non-child-related family responsibilities</i>	3.38
<i>Fit with needs and schedules of child/children</i>	3.61
<i>Working with business and financial concepts</i>	3.65
<b>How important is each of the following long term goals to you? (1–5; 1 = Very Important)</b>	
<i>Have a satisfying career</i>	2.33
<i>Have both a satisfying career and a personal life</i>	2.33
<i>Help individuals</i>	2.36
<i>Change or improve society</i>	2.44
<i>Become an influential person</i>	2.84
<i>Accumulate wealth</i>	3.04

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#### V. CONCLUSION

In this short sketch, I have described the background and aspirations of the UCI Law inaugural class in the broader context of research on law students' socialization to the norms and mores of the profession as well as the more specific context that shapes UCI Law's approach to legal education. At a general level, the students who make up the inaugural class at UCI Law are motivated to study law as a way to enhance the public good. Upon graduation, many of them will have incurred some debt to cover the cost of their professional education, but at a level, on average, that will be significantly less than their peers from top-tier law schools. Prior research suggests, however, that commitment to government and public interest work trumps debt in an explanation of early career choice.<sup>54</sup>

Beyond tuition remission, the concept of practice is at the centerpiece of UCI Law's mission. The synergy between learning to "*think* like a lawyer," "*practice* like a lawyer," and cultivate the multiple meanings of a professional identity will be integrated into the curriculum through courses as well as through work with mentors, simulations in various classes, and clinical classes. Whether and how these factors will shape UCI Law students' aspirations and expectations over the next two years of their legal education remains an open question, but one that we will revisit as they approach the conclusion of their legal education.

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54. Kornhauser & Revesz, *supra* note 8, at 939–40; McGill, *supra* note 7, at 702.