
THE EVOLUTION OF J.D. PROGRAMS— IS *NON-TRADITIONAL* BECOMING *MORE* TRADITIONAL?: INTRODUCTION

Bryant Garth*

DEAN GARTH: I have been around legal education for a long time. One of the things law professors really like to do is to use clichés in their titles. Often the titles are recycled from movies or books. When I arrived back in the mid-1980s, in Florida State, I participated in a symposium where I watched a presentation by David Trubek entitled “Back to the Future.”¹ In the great tradition of recycling worn titles, I cannot resist noting that this symposium is indeed “Back to the Future.” In 1972, the Carnegie Foundation for the Advancement of Teaching did a report by Herbert Packer and Tom Ehrlich (Ehrlich was also involved in the *Educating Lawyers* study² that just came out two years ago), and one of the reforms they recommended, of a variety of reforms, was to experiment with two-year legal education.³ There was a new wave of reform inspired by the 1972 Carnegie report just as there appears to be a wave inspired by the recent Carnegie report. In some sense, therefore, we are just where we were then.

In the 1970s there was some experimentation, and a lot of ferment, including attention to the role of concepts in legal education. SCALE was no doubt one product of the interest in two-year programs and the focus on conceptual approaches in the air at the time. But the reform momentum did not produce much except what took place at Southwestern. We were pioneers, but all by ourselves, and for a long period of time.

Now the question is: Are we in a period where the current reform energy will be sustained? I think so. The new Carnegie report comes when

* Dean and Professor of Law, Southwestern Law School.

1. David Trubek, *Back to the Future: The Short, Happy Life of the Law and Society Movement*, 18 FLA. ST. U. L. REV. 1 (1990).

2. WILLIAM M. SULLIVAN ET AL., *EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW* (2007).

3. H. PACKER & T. EHRLICH, *NEW DIRECTIONS IN LEGAL EDUCATION* (1972).

law schools are newly open to curricular experimentation. There are a variety of different reasons for this openness. One is simply that law schools are more competitive, and they compete now in educational reform. Second, students know now that they need to pay attention to the support that different schools offer and the kind of training that is available for practical skills that will help graduates get ahead. Third, and this is more tenuous, I suspect that employers are finally beginning to take into account what law graduates actually do bring from their law school experience. Unlike the last Carnegie-inspired moment, therefore, I expect the momentum for reform to continue. I also expect Southwestern to be in the vanguard of the reform movement—and this time not all alone.

I look forward very much to learning from all of you about the various programs represented in this symposium, and to have our faculty tell you a little bit about what's going on at Southwestern as well.