From the Editors

We are proud to open this issue with publication of the inspiring speech delivered by Justice Edwin Cameron of the Constitutional Court of South Africa at the Association of American Law Schools’ annual meeting in New Orleans in January 2019. Justice Cameron’s lessons (learned over a lifetime) of using law to advance the cause of human freedom have much to teach us all.

We turn next to three articles that explore how current approaches to financing legal education pose challenges for law schools, our students, and ultimately for the profession and the clients whom we serve.

John R. Brooks thoughtfully explains how labor-intensive industries that cannot generate productivity growth will always see prices rise faster than those in other sectors and why that means continued expansion of legal education requires some socialization of education’s costs. He further describes the ways that current federal programs affording income-driven repayment of student loans are often well-crafted to provide some necessary financial support, while he takes issue with the arbitrary lines built into current rules governing public service loan forgiveness. Jonathan D. Glater dives deeply into the way credit is extended to law students and how the potential return of private lenders to the student loan market could introduce discriminatory practices unless regulators insist on greater transparency concerning underwriting criteria. He also explores the relationship between the terms of credit available to law student borrowers and their ultimate career choices. Frank McIntyre and Michael Simkovic shift the lens toward one aspect of the high cost of law school that is on the minds of nearly every student: How much of an earnings boost can a prospective law student expect to gain from investing in a law degree? Our authors show that the anticipated earnings premium from a law degree varies greatly based on a student’s undergraduate major, with greater gains over what one might expect going to those with humanities majors as opposed to those in STEM fields.

Turning to other aspects of campus life, we continue this issue with the striking study by Eric J. Segall and Adam Feldman of how the legal academy, particularly in so-called “elite” schools, has assembled faculties whose members have themselves graduated from these same elite schools. As our authors convincingly observe, a lack of diversity with respect to the law school backgrounds of law faculty risks contributing not only to a lack of diversity concerning racial, gender and socioeconomic backgrounds, but also to a distressing homogeneity in pedagogical methods and conceptual approaches to the law. Robert R. Kuehn and David R. Moss usefully add to the sparse literature on the relationship between law students’ course of study
in law school and student performance on the bar exam. Based on a ten-year study at two law schools, they report no meaningful relationship between a student’s enrollment in experiential courses and her bar performance and only the slightest relationship between enrollment in courses covering bar-tested subjects and success on the bar exam. Our authors carefully avoid drawing conclusions beyond what their limited data can support, but we are certainly grateful to have every bit of additional information available to inform the current debate over whether changes within legal education have hampered bar performance.

Jordana Alter Confino further offers a significant contribution to our understanding of law schools’ influence on student success. Her article reports on a survey conducted by the American Bar Association Commission on Lawyer Assistance Programs assessing the broad array of approaches to student wellness now being offered or tried in law schools across the country. In light of the well-understood challenges facing students and lawyers with respect to mental health, substance abuse, and overall career satisfaction, it is heartening to see the blossoming of efforts within law schools to guide students on every aspect of a life well-lived in the law.

A refreshing, historical change of pace comes from Li Chen, who uses a biographical account of the educational experiences at Berkeley and Yale of the renowned Chinese jurist Wang Chung Hui to show how early graduate legal education in the United States contributed to globalization.

Susan Greene provides this issue’s At the Lectern with a heartwarming story about sharing one’s hobbies with one’s students. Three book reviews close out the issue. David Ray Papke tackles The Rooster Bar, John Grisham’s first novel focused on law school life. Our own Margaret Woo assesses Katherine G. Young’s edited volume The Future of Economic and Social Rights. And Rima Y. Mullins provides perspective on Maggie Berg and Barbara K. Seeber’s, The Slow Professor: Challenging the Culture of Speed in the Academy. Enjoy.

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Margaret Y.K. Woo
Hemanth Gundavaram