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Democratizing Legal Education

Renee Newman Knake

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RENEE NEWMAN KNAKE

Millions of Americans lack representation for their legal problems while thousands of lawyers are unemployed. Why? Commentators and academics offer a range of answers to this question, from economic factors to regulatory constraints. Whatever the root cause, clearly a massive delivery problem exists for personal legal services. Indeed, most individuals do not even realize when a lawyer might be necessary or helpful. This Article, written at the invitation of the Connecticut Law Review for their Volume 45 Symposium entitled “Are Law Schools Passing the Bar? Examining the Demands and Limitations of the Legal Education Market,” suggests that democratizing legal education—i.e., systematically providing basic information about how to access legal services to the public—offers a solution to the unmet need for those services, as well as to the unemployment crisis among the legal profession more broadly. Law schools have an important role to play in this effort. This Article offers three recommendations.

ARTICLE CONTENTS

I. INTRODUCTION	1283
II. THE WHAT AND WHY OF DEMOCRATIZING LEGAL EDUCATION	1286
III. THE ROLE OF LAW SCHOOLS IN DEMOCRATIZING LEGAL EDUCATION	1300
A. DEMOCRATIZING LEGAL EDUCATION THROUGH (LAW)NTREPRENEURSHIP.....	1305
B. DEMOCRATIZING LEGAL EDUCATION BY REDUCING TRAINING TIME AND COST FOR LIMITED LICENSE LAW PRACTICE IN UNSERVED/UNDERSERVED AREAS	1310
C. DEMOCRATIZING LEGAL EDUCATION WITH A PUBLIC INFORMATION CAMPAIGN	1312
IV. CONCLUSION	1316



Democratizing Legal Education

RENEE NEWMAN KNAKE*

I. INTRODUCTION

Millions of Americans lack representation for their legal problems while thousands of lawyers are unemployed. Why? Commentators and academics offer a range of answers to this question, from economic factors to regulatory constraints.¹ Whatever the root cause, clearly a massive delivery problem exists for personal legal services.² Most individuals simply do not realize when a lawyer might be necessary or helpful, even though they may desperately need legal services.³ Consider these findings from surveys on legal needs conducted by various states over the past decade:

- “About 87% of households with legal problems did not seek legal assistance. A key reason for not seeking legal assistance is lack of understanding of the legal

* Associate Professor of Law; Co-Director, Kelley Institute of Ethics and the Legal Profession; and Co-Founder, ReInvent Law, Michigan State University College of Law; J.D., University of Chicago School of Law. Thank you to the *Connecticut Law Review* for inviting me to speak about innovation in legal education as part of their annual symposium and for their work editing this Article. I am grateful to Michigan State University College of Law, as well as to the Ewing Marion Kauffman Foundation for support of my work with ReInvent Law, a law laboratory devoted to technology, innovation, and entrepreneurship in legal services—much of this work served as inspiration for writing the Article. I also thank Barbara Bean, Jeremy Brown, Allison Eicher, and Jane Melund for helpful research assistance along the way. Finally, and most important, special thanks to James Knake and Grace Knake for listening to me talk about legal services when they likely had other conversations in mind. A disclaimer: while I serve as a formal and informal advisor to some of the legal services providers mentioned in the Article, I received no compensation from them for writing this piece and all views (as well as any errors) are my own.

¹ For an overview of commentary on the mismatch between demand for legal services and supply of lawyers, see generally Renee Newman Knake, *Democratizing the Delivery of Legal Services*, 73 OHIO ST. L.J. 1 (2012) (discussing the supply and demand problem of legal services in the context of First Amendment constitutional guarantees).

² This Article focuses on legal services provided to individuals for personal matters. While some of the concerns discussed here apply to the legal services market for businesses corporate legal services as well, the unmet need is not nearly as acute.

³ Knake, *Democratizing the Delivery of Legal Services*, *supra* note 1, at 2 (“Millions in need of representation cannot afford to hire a lawyer, let alone make an informed decision about the best-suited lawyer for their needs. Indeed, many do not even realize when a lawyer might be necessary or helpful. A nation that holds itself out as a beacon of justice and an exemplar of the rule of law to the rest of the world denies meaningful access to the law on a daily basis to the majority of its population.” (footnote omitted)).

nature of the problem.”⁴

- “Households that had legal problems were asked if they knew that the problem was legal in nature. Only about a quarter of respondents said that they were aware of the legal issue involved.”⁵
- “[A] large percentage of low-income people with a legal problem are not aware that their problem has a legal dimension and potential solution.”⁶
- “[M]any respond that ‘there was nothing to be done’ or that ‘it was not a legal problem, just the way things are.’”⁷

Consequently, a latent market for legal services exists because the would-be clients do not know that they need a lawyer or do not know how to obtain the law-related help that would benefit them.

The untapped market for legal services is potentially worth billions of dollars.⁸ The pervasive need for legal services is not because lawyers are unavailable; in fact, law schools are graduating new attorneys at unprecedented rates, and thousands of licensed, experienced attorneys are unemployed/underemployed.⁹ Rather, legal services are lacking, in part, due to the regulatory restrictions such as the ban on nonlawyer ownership of and investment in law practice.¹⁰ Another significant reason, however, stems from a fundamental lack of knowledge among most of the public about law, lawyers, and legal services.

This Article, written at the invitation of the *Connecticut Law Review* for its Volume 45 Symposium entitled “Are Law Schools Passing the Bar? Examining the Demands and Limitations of the Legal Education Market,” suggests that democratizing legal education—i.e., systematically providing

⁴ D. MICHAEL DALE ET AL., CIVIL LEGAL NEEDS OF LOW AND MODERATE INCOME HOUSEHOLDS IN GEORGIA 27 (2009), available at http://www.georgiacourts.org/files/legalneeds_report_2010%20final%20with%20addendum.pdf [hereinafter GEORGIA CIVIL LEGAL NEEDS REPORT].

⁵ *Id.*

⁶ Robert Echols, *State Legal Needs Studies Point to “Justice Gap,”* A.B.A. DIALOGUE, Summer 2005, at 32, 34, available at <http://apps.americanbar.org/legalservices/dialogue/downloads/dialogue2005sum.pdf>.

⁷ *Id.*

⁸ See *infra* notes 19–21 and accompanying text (discussing the potential market for legal services).

⁹ See Joe Palazzolo & Chelsea Phipps, *With Profession Under Stress, Law Schools Cut Admissions*, WALL ST. J. (June 11, 2012, 6:45 PM), <http://online.wsj.com/article/SB10001424052702303444204577458411514818378.html> (“The number of law graduates per year spiked at 44,495 this year from 42,673 in 2006 . . .”).

¹⁰ See Knake, *Democratizing the Delivery of Legal Services*, *supra* note 1, at 3 (suggesting the imposition of a new regulatory framework for legal services); see also RICHARD SUSSKIND, *THE END OF LAWYERS? RETHINKING THE NATURE OF LEGAL SERVICES* (2008).

basic information about how to access legal services to the general public—offers a solution to the unmet need for those services, as well as to the unemployment crisis among the legal profession more broadly. In Part II, I explain what I mean by democratizing legal education and why it is important, namely the significance of law schools making basic information about legal services available to everyone, not just their students. Doing so is not only in the public’s interest for a democratic society, but it may very well help save the American legal profession (and legal education¹¹) by tapping latent markets for legal services.¹² In Part III, I propose ways that the modern law school can respond to the distribution problem in legal services by democratizing legal education. First, law schools can fuel innovation in new markets and in methods for delivery, thereby leading to greater public awareness of legal services. Second, schools and regulators should work together to reduce the cost and time involved in training and licensing for lawyers who desire to engage in limited practice areas that are unserved/underserved. Third, law schools should educate the public about law, lawyers, and legal services through programs that also enhance student learning.

Law schools have an important role to play in providing a basic understanding of law and legal services to all by facilitating a culture of entrepreneurship within the law school curriculum and reducing costs for those willing to practice law in underserved areas, while at the same time expanding the law school’s mission to include a public legal education agenda. Democratizing legal education in this way promises to match the vast demand for legal services with the “surplus of lawyers,”¹³ potentially resolving the access-to-justice problem across all sectors once and for all.

¹¹ Law schools are not immune to the legal profession’s unmet needs and unemployment crisis. “As of Dec. 7, applicants for the fall of 2013 are down 22.4 percent from last year at this time, and applications are down 24.6 percent.” Debra Cassens Weiss, *Fiscal Calamity Ahead for Some Law Schools? Applicants for 2013 Drop 22% in ‘Free Fall’*, A.B.A. J. (Dec. 17, 2012, 6:00 AM), http://www.abajournal.com/news/article/fiscal_calamity_ahead_for_some_law_schools_applicants_for_2013_drop_22/. At the same time, students face unprecedented debt burdens. See William D. Henderson & Rachel M. Zahorsky, *The Law School Bubble: How Long Will It Last if Law Grads Can’t Pay Bills?*, A.B.A. J. (Jan. 1, 2012, 5:20 AM), http://www.abajournal.com/magazine/article/the_law_school_bubble_how_long_will_it_last_if_law_grads_cant_pay_bills/ (“In 2010, 85 percent of law graduates from ABA-accredited schools boasted an average debt load of \$98,500 . . .”).

¹² See THOMAS D. MORGAN, *THE VANISHING AMERICAN LAWYER* 170–73 (Oxford Univ. Press 2010) (describing changes to fee structures to broaden the market for legal services).

¹³ Catherine Rampell, *The Lawyer Surplus State by State*, N.Y. TIMES (June 27, 2011, 11:35 AM), <http://economix.blogs.nytimes.com/2011/06/27/the-lawyer-surplus-state-by-state/> (“[E]very state but Wisconsin and Nebraska (plus Washington, D.C.) is producing many more lawyers than it needs. . . . In fact, across the country, there were twice as many people who passed the bar in 2009 (53,508) as there were openings (26,239).”).

II. THE WHAT AND WHY OF DEMOCRATIZING LEGAL EDUCATION

One of my scholarly interests involves the liberalization of lawyer conduct rules to facilitate advanced mechanisms and open new markets for the delivery of legal services. Traditional models—such as hourly billing, contingency fees, or legal aid—have failed to fully address the unmet need, leaving a space ripe for entry but closed due to artificial, anti-competitive professional conduct regulations.¹⁴ Non-lawyer ownership of and investment in law practices (currently forbidden in the United States) likely would fuel meaningful innovation in this regard, as evidenced by the recent outgrowth of novel legal services models in the United Kingdom following the passage of the Legal Services Act 2007.¹⁵

Many of these inventive law practice methods, such as online and retail legal services, hold great potential for reaching dormant legal markets—but what good is a new mechanism for delivering legal services if those who could most benefit do not utilize the services? And how can we expect individuals to recognize their own legal needs if we have not educated them about law? Before turning to an explanation of what I mean by democratizing legal education, and why we should care about doing so, some context is necessary.

The need for personal legal services is staggering. A 2010 study conducted by the Task Force to Expand Access to Civil Legal Services at the direction of the Chief Judge of the State of New York revealed that “2.3 million New Yorkers try to navigate the State’s complex civil justice system without a lawyer” on matters that impact daily life needs.¹⁶ Almost all eviction tenants are unrepresented—as are borrowers in consumer credit disputes and parents in child support cases—with close to half of homeowners unrepresented in mortgage foreclosures.¹⁷ The study also

¹⁴ See Knake, *Democratizing the Delivery of Legal Services*, *supra* note 1, at 5 (“Lawyer discipline and professional conduct rules that forbid corporations from owning or investing in a law firm or law practice are another form of speech restriction that compromises access to the law.” (footnote omitted)).

¹⁵ *Id.* at 40.

¹⁶ TASK FORCE TO EXPAND ACCESS TO CIVIL LEGAL SERVS. IN N.Y., REPORT TO THE CHIEF JUDGE OF THE STATE OF NEW YORK 1 (2010), available at <http://www.courts.state.ny.us/ip/access-civil-legal-services/PDF/CLS-TaskForceREPORT.pdf>.

¹⁷ *Id.* The study reported that:

[Ninety-nine] percent of tenants are unrepresented in eviction cases in New York City, and 98 percent are unrepresented outside of the City. 99 percent of borrowers are unrepresented in hundreds of thousands of consumer credit cases filed each year in New York City. 97 percent of parents are unrepresented in child support matters in New York City, and 95 percent are unrepresented in the rest of the State; and 44 percent of home owners are unrepresented in foreclosure cases throughout [the] State.

Id.

found that “nearly half of all low-income New Yorkers—47 percent—experienced one or more legal problems in the past year, and many experienced more than one legal problem.”¹⁸

The foregoing study documents the demand for legal services in just one state. In order to shed light on the scope of this problem nationwide, economist and law professor Gillian Hadfield recently projected the size of the undeveloped market for personal legal services throughout the nation.¹⁹ Assuming that half of American households have at least two legal problems that currently go unaddressed, Hadfield estimates the market potential to be roughly \$20 billion to “tens if not hundreds of billions of dollars.”²⁰ Her estimate of need may very well be on the conservative side: states conducting surveys on legal needs in the past fifteen years found a range of 1.1 to 3.5 legal problems per household for far more than half of the households.²¹ These issues include: (1) consumer issues such as collection disputes or oppressive contract terms; (2) housing matters such as utilities, repairs, and homelessness; (3) health concerns such as insurance disputes, access to mental health services, denial of emergency care, and nursing home problems; (4) employment and unemployment issues; (5) difficulties with public benefits in application or denial; (6) education concerns such as school discipline and quality; and (7) family matters such as child support, domestic violence, visitation, and custody.²² The World Justice Project’s Rule of Law Index for 2012–2013²³ concluded that while our “civil justice system is independent and free of undue

¹⁸ *Id.* at 27. Low-income is defined as “having a household with income at or below 200 percent of the federal poverty level.” *Id.*

¹⁹ Gillian Hadfield, *Lawyers, Make Room for Nonlawyers*, CNN (Nov. 25, 2012, 12:25 PM), <http://www.cnn.com/2012/11/23/opinion/hadfield-legal-profession/index.html>.

²⁰ *Id.*

²¹ See GEORGIA CIVIL LEGAL NEEDS REPORT, *supra* note 4, at 11. Of eight state-wide legal needs surveys conducted and referenced in the Georgia Legal Needs Study, Montana had the highest rate of legal needs at 3.47 annually, and Vermont had the lowest rate of legal needs at 1.1 annually. D. MICHAEL DALE, LEGAL NEEDS OF LOW INCOME HOUSEHOLDS IN MONTANA 5 (2005); COMM. ON EQUAL ACCESS TO LEGAL SERVS., REPORT ON INVESTIGATION OF NEED AND ASSESSMENT OF RESOURCES 7 (2001). The Georgia Legal Needs Study found that “[m]ore than 60% of low and moderate income households” face at least one, if not more, civil legal needs annually. GEORGIA CIVIL LEGAL NEEDS REPORT, *supra* note 4, at 1. Low income households, “(defined as up to \$30,000 annual income for a four person household)[,] experience an average of three civil legal needs annually, totaling over two million civil legal needs per year” and moderate income households, “(defined as up to \$60,000 annual income for a four person household)[,] experience an average of 2.63 civil legal needs per year, for a total number of problems exceeding four million per year.” *Id.* at 1–2.

²² GEORGIA CIVIL LEGAL NEEDS REPORT, *supra* note 4, at 1–2.

²³ MARK D. AGRAS ET AL., WORLD JUSTICE PROJECT RULE OF LAW INDEX 2012–2013, at 7. The Index “is an innovative quantitative assessment tool designed to offer a detailed and comprehensive picture of the extent to which countries adhere to the rule of law in practice.” *Id.* The Index encompasses forty-eight rule-of-law indicators organized around nine conceptual dimensions: limited government powers; absence of corruption; order and security; fundamental rights; open government; regulatory enforcement; civil justice; criminal justice; and informal justice. *Id.*

influence, . . . it lags behind in providing *access* to disadvantaged groups. Legal assistance is frequently expensive or unavailable.”²⁴

This unmet need can also be thought of as unrealized demand. Most individuals go without personal legal services unless they qualify for legal aid. The middle class has never been the focus for lawyers,²⁵ in part because regulatory restrictions on law practice make it difficult for an attorney to offer discreet, unbundled service at a low cost on a mass scale.²⁶ This was historically true for many other personal services, but technology is facilitating the bulk retail of services such as banking, insurance, and travel. For example, Wal-Mart now offers financial services, targeting the estimated thirty million households that do not have bank accounts (or rarely use one).²⁷ Likewise, Costco offers home mortgages and insurance.²⁸ Retailers like Target have democratized high-end fashion and architecture.²⁹ Home businesses and artisans similarly have benefited by technology’s market creation capacity. For example, since its founding in 2005, “Etsy, an online marketplace for small businesses and craftspeople . . . has more than 875,000 active online shops that together sell upward of \$400 million of goods each year.”³⁰ User

²⁴ *Id.* at 29. In 2011, the US ranked fifty-second out of all sixty-six countries in the study for cost/availability of legal services. AGRAST ET AL., *supra* note 23, at 23.

²⁵ See *Bates v. State Bar of Ariz.*, 433 U.S. 350, 376 (1977) (“As the bar acknowledges, the middle 70% of our population is not being reached or served adequately by the legal profession.” (citation omitted) (internal quotation marks omitted)).

²⁶ See Knake, *Democratizing the Delivery of Legal Services*, *supra* note 1, at 32–33 (“It is simply not economically feasible for a traditional law firm to market and deliver en masse representation to the general public for routine wills, child custody, divorce, mortgage foreclosure, standard contracts, small business needs, immigration, bankruptcy, housing disputes, and other basic matters.”).

²⁷ See Ylan Q. Mui, *Retailers Take on New Role: Banker*, WASH. POST, Feb. 1, 2011, at A12 (“Millions of low-income Americans who don’t have bank accounts are finding an alternative to check-cashing stores at an unusual place: their local big-box retailer. . . . Wal-Mart has opened roughly 1,500 MoneyCenters that process as many as 5 million transactions each week. . . . According to a recent government survey, nearly 30 million households either do not have a bank account or use one sparingly.”).

²⁸ See Stephanie Clifford & Jessica Silver-Greenberg, *On the New Shopping List: Milk, Bread, Eggs and a Mortgage*, N.Y. TIMES, Nov. 14, 2012, at A1 (noting that on a recent shopping trip to Costco, Lilly Neubauer picked up “paper towels, lentils, carrots—and . . . a home mortgage. . . . She also bought home insurance from Costco, she said, again because it was cheaper there”).

²⁹ See Reena Jana, *Michael Graves, Champion of Accessible Design, Is Appointed to Obama Administration Post*, SMART PLANET (Feb. 7, 2013, 7:54 PM), <http://www.smartplanet.com/blog/bulletin/michael-graves-champion-of-accessible-design-is-appointed-to-obama-administration-post/12327> (“Beginning in 1999, Graves created the Michael Graves Design Collection for Target, one of the first collaborations between an innovative, well-recognized designer and a chain store. They shared the goal of making well-designed goods available to mass-market audiences.”); Linda Tischler, *A Design for Living*, FAST COMPANY (Aug. 1, 2004), <http://www.fastcompany.com/49605/design-living> (According to Graves, “‘In the mid-1990s, . . . products based on design didn’t exist for everyday people with everyday budgets.’” . . . ‘I would love to democratize design,’ he said.”).

³⁰ DANIEL H. PINK, *TO SELL IS HUMAN: THE SURPRISING TRUTH ABOUT MOVING OTHERS* 31 (2012).

adoption of technology for travel planning has been overwhelming—Orbitz.com alone “facilitate[es] 1.5 million flight searches and 1 million hotel searches every day.”³¹ Technology offers the same potential for legal services though, importantly, technology must be encompassed by human expertise and empathy.³² Wide-scale, repeated use of a lawyer for life’s legal problems is integral to creating a viable marketplace for the provision of low-cost, routine legal services for the middle class.

Meanwhile, the supply of practice-ready lawyers is high. Only slightly more than half of law graduates in 2011 found employment that required a J.D. within nine months of graduation.³³ Law schools continue to graduate new lawyers in ever-increasing amounts,³⁴ despite the bleak prospects faced by thousands of unemployed attorneys.³⁵ From 2010 to 2012, over 130,000 new lawyers flooded a job market where the Bureau of Labor Occupational Outlook Handbook predicts that only 73,600 new lawyer jobs will become available during the *entire* decade.³⁶

If need is overwhelming and supply of lawyers is high, why are individuals going without legal representation? The answer is that the market for personal legal services fails to match the unrealized demand with the abundant supply. This delivery problem (or delivery challenge, as I like to think of it) is the single greatest concern facing the legal profession in the twenty-first century.³⁷

³¹ Orbitz, WIKIPEDIA, <http://en.wikipedia.org/wiki/Orbitz> (last visited Mar. 20, 2013).

³² In an increasingly digital and data-driven world, human interaction remains as crucial if not even more crucial, though the role of the lawyer has and will continue to evolve. For further discussion on the importance of combining technological innovation with human interaction, see Renee Knake et al., *In a Digital, Data-Driven World We Still Need Travel Agents . . . And Lawyers* (unpublished manuscript) (draft on file with author).

³³ Joe Palazzolo, *Law Grads Face Brutal Job Market*, WALL ST. J., June 25, 2012, at A1.

³⁴ Approximately 43,000 law degrees were distributed in 2009, an 11% increase from a decade ago in 1999. *The Great Law School ‘Rip-Off’: By the Numbers*, WEEK (Jan. 11, 2011, 2:50 PM), <http://theweek.com/article/index/210930/the-great-law-school-rip-off-by-the-numbers>.

³⁵ See, e.g., *Layoff Tracker*, LAW SHUCKS: LIFE IN AND AFTER BIGLAW, <http://lawshucks.com/layoff-tracker/> (last visited Jan. 9, 2013) (“As of December 11, 2011, over 15,435 people have been laid off by major law firms (5,872 lawyers/9,563 staff) since January 1, 2008.”). Significantly, this data does not include layoffs that occurred in small or mid-sized firms, solo practices, or government, nor does it include layoffs before 2008 or after December 2011.

³⁶ Elizabeth Lesly Stevens, *Will Law Students Have Jobs After They Graduate?*, WASH. POST (Oct. 31, 2012), http://articles.washingtonpost.com/2012-10-31/lifestyle/35498320_1_law-schools-law-jobs-legal-career-professionals.

³⁷ I am certainly not the first to make this claim; see, for example, a 2008 essay by then-president of the California State Bar, Jeff Bleich, *The Neglected Middle Class*, CAL. ST. B.J. (June 2008), available at <http://archive.calbar.ca.gov/%5CArchive.aspx?articleId=92107&categoryId=91968&month=6&year=2008> (“Of the many challenges that we face as a profession, the one that should concern us most is that we now have a legal system in which the majority of Americans cannot afford adequate legal service.”). See also SUSSKIND, *supra* note 10, at 235 (observing that “solving legal problems and resolving disputes is affordable, in practice, only to the very rich or those who are eligible for some kind of state support”); Deborah Rhode, *Access to Justice: Connecting Principles to Practice*, 17 GEO. J. LEGAL ETHICS 369, 421 (2004) [hereinafter Rhode, *Access to Justice*] (“Almost two decades ago, in

One cause of the latent legal market in the United States is lawyer regulation. Professional conduct rules in all fifty states constrain lawyers from obtaining outside investment to grow their law practices, prohibit attorneys licensed in one state from practicing law in a different state, and ban non-lawyers from engaging in even the most routine legal services.³⁸ These regulatory restraints compromise economic efficiencies that might be realized if legal services could be offered by a corporate business structure or in a retail setting, and the restraints undermine the sort of innovation frequently stimulated by venture capital investment. As a number of law scholars have argued for years, it is time for these restraints to be liberalized.³⁹ But the American Bar Association (“ABA”), the entity responsible for drafting the Model Rules of Professional Conduct, refuses to engage in any meaningful reform and few jurisdictions have taken steps

a prominent report on professionalism, the American Bar Association concluded that the middle class’s lack of access to affordable legal services was ‘one of the most intractable problems confronting the profession today.’ That problem remains” (citation omitted)); John T. Broderick, Jr. & Ronald M. George, *A Nation of Do-It-Yourself Lawyers*, N.Y. TIMES, Jan. 2, 2010, at A21 (“An increasing number of civil cases go forward without lawyers. Litigants who cannot afford a lawyer, and either do not qualify for legal aid or are unable to have a lawyer assigned to them because of dwindling budgets, are on their own—pro se. What’s more, they’re often on their own in cases involving life-altering situations like divorce, child custody and loss of shelter.”).

³⁸ See MODEL RULES OF PROF’L CONDUCT R. 5.4 (2012) (banning outside investment), available at http://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_5_4_professional_independence_of_a_lawyer.html; *id.* R. 5.5 (banning unauthorized practice of law and multijurisdictional practice); see also AM. BAR ASS’N & BUREAU OF NAT’L AFFAIRS, LAWYERS’ MANUAL ON PROFESSIONAL CONDUCT 91:402 (2008) (noting that with one “notable” exception, the District of Columbia, “[m]ost jurisdictions that base their ethics rules on the ABA Model Rules do not deviate appreciably from Rule 5.4(b) and Rule 5.4(d)”). The *Lawyers’ Manual* describes the small variations in the rules of North Carolina, Illinois, Oklahoma, Washington, Florida, Kentucky, Utah, and the District of Columbia. *Id.* at 91:402–03. While the District of Columbia’s rule is more permissive in that it allows for certain forms of multidisciplinary practice, it does not permit a corporation to own or invest in a legal services delivery mechanism. See D.C. RULES OF PROF’L CONDUCT R. 5.4, 5.7 (2007).

³⁹ See, e.g., Edward S. Adams & John H. Matheson, *Law Firms on the Big Board?: A Proposal for Nonlawyer Investment in Law Firms*, 86 CAL. L. REV. 1, 14 (1998) (arguing that the prohibition on non-lawyer investment in law firms is an outdated rule that should be lifted); Stephen Gillers, *A Profession, if You Can Keep It: How Information Technology and Fading Borders Are Reshaping the Law Marketplace and What We Should Do About It*, 63 HASTINGS L.J. 953, 956 (2012) (examining “how professional regulation must adjust to the disruptive externalities; that is, how it must adjust or slide toward irrelevance”); Stephen Gillers, *What We Talked About When We Talked About Ethics: A Critical View of the Model Rules*, 46 OHIO ST. L.J. 243, 245–46 (1985) (suggesting that the ABA’s Model Rules of Professional Conduct were drafted with the view that what was good for lawyers was good for the public and that such a view should be reconsidered); Deborah L. Rhode, *Policing the Professional Monopoly: A Constitutional and Empirical Analysis of Unauthorized Practice Prohibitions*, 34 STAN. L. REV. 1, 6 (1981) (examining the Bar’s unauthorized practice campaign and its attendant constitutional and policy implications; arguing for alternatives that give greater voice to First Amendment and due process values); Larry E. Ribstein, *The Death of Big Law*, 2010 WIS. L. REV. 749, 752 (2010) (analyzing big law firms as a business type and questioning whether they are economically viable under current economic conditions).

on their own.⁴⁰ This position is untenable, not only for the pragmatic reasons described, but also because some of these professional conduct rules are constitutionally vulnerable.⁴¹

Lawyer regulation is not the only barrier to an expanded market for legal services. To resolve the delivery challenge, the profession must offer personal legal services that are affordable, accessible, and—importantly—*adopted* by clients/users⁴² on a consistent, sustained basis. The unmet *need* for legal services must be channeled into a *demand* for legal services.

The imperative to cultivate *adoption* of legal services is not new. This has been a concern of the American legal profession since its inception. Karl Llewellyn identified the adoption problem nearly a century ago when he observed, “specialized work, mass-production, cheapened production, advertising and *selling*—finding the customer who does not know he wants it, and *making* him want it: these are the characteristics of the age. Not, yet, of the Bar.”⁴³ This history raises an interesting question: if adoption of legal services—i.e., finding the client who does not know she wants a lawyer and making her want one—has been an age-old problem, can it ever be fixed?

We sit at an unprecedented intersection of technological advancement and regulatory liberalization where the climate appears ready to resolve

⁴⁰ See Knake *Democratizing the Delivery of Legal Services*, *supra* note 1, at 41–42 (discussing the ABA’s resistance to reform that would allow practice with or investment from nonlawyers). Only two jurisdictions have experimented with liberalization of the non-lawyer ownership and practice restrictions. Washington D.C. permits limited partnerships with non-lawyers, see D.C. RULES OF PROFESSIONAL CONDUCT R 5.4 (2007), and Washington state recently permitted limited law practice for non-lawyers, see WASH. SUP. CT. ADMISSION TO PRAC. R. 28, Limited Practice Rule for Limited License Legal Technicians.

⁴¹ See generally Knake, *Democratizing the Delivery of Legal Services*, *supra* note 1, at 10–11 (identifying a First Amendment jurisprudential thread that carves out constitutional interests in the delivery of legal services by corporations through ownership of law practices); Catherine J. Lanctot, *Does LegalZoom Have First Amendment Rights?: Some Thoughts About Freedom of Speech and the Unauthorized Practice of Law*, 20 TEMP. POL. & CIV. RTS. L. REV. 255, 256–57 (2011) (examining the implications of challenging companies like LegalZoom and potential defenses to the charge of unauthorized practice of law from a First Amendment standpoint).

⁴² I use the term “users” here deliberately, borrowing from Huge Advertising’s CEO Aaron Shapiro, who says: “Users matter In short, users are defined as anyone who interacts with a company through digital media and technology.” AARON SHAPIRO, *USERS, NOT CUSTOMERS: WHO REALLY DETERMINES THE SUCCESS OF YOUR BUSINESS* 5 (2011). He explains the significance of this term:

The importance of users is so profound that a new model has emerged for business excellence: what I call the user-first company. Today’s most successful companies organize their business around users and building user satisfaction. Users are then the engine for growing a customer base and the overall organization. This new user-first way of doing business affects every part of the organization.

Id. at 7.

⁴³ K. N. Llewellyn, *The Bar’s Troubles, and Poultrices—and Cures?*, 5 LAW & CONTEMP. PROBS. 104, 115 (1938).

these longstanding affordability and accessibility issues. A wide range of lower-cost legal services has been available online for over a decade, literally in the client's own living room, thanks to the Internet and other technology.⁴⁴ Moreover, for almost four decades, information about legal services has been more accessible on account of the U.S. Supreme Court's 1977 decision to overturn the blanket ban on lawyer advertising.⁴⁵ Some suggest that the legal profession would be better off had the advertising ban been upheld;⁴⁶ in my view, however, the liberalization of attorney advertising offers a compelling model for reforms that would go even further to facilitate affordable, accessible legal services, such as relaxing restrictions on who may own or invest in law practices. The United Kingdom, for example, witnessed an incredible emergence of these sorts of legal service providers after adopting the Legal Services Act 2007, which was designed to facilitate non-lawyer ownership of law practices.⁴⁷

As technology advances and regulation (hopefully) adjusts, legal services are likely to be even more accessible and affordable—but the delivery challenge will remain unless legal services become widely *adopted*.⁴⁸ Mass adoption is integral to creating continued demand which, of course, is necessary if lawyers are to build and sustain a practice offering low-cost routine services. The gap between those in need of legal services and those able to provide legal services will ultimately be bridged only if legal services become a routine part of daily life. The reality is that

⁴⁴ LegalZoom, for example, was launched more than ten years ago, in 2001. See Daniel Fisher, *Entrepreneurs Versus Lawyers*, FORBES, Oct. 24, 2011, at 76, available at <http://www.forbes.com/forbes/2011/1024/entrepreneurs-lawyers-suh-legalzoom-automate-daniel-fisher.html>.

⁴⁵ *Bates v. State Bar of Ariz.*, 433 U.S. 350, 384 (1977).

⁴⁶ Justice O'Connor, for example, disagreed with the Court's decision in *Bates*, writing in a subsequent dissent:

[I]t is quite clear to me that the States may ban such advertising completely. The contrary decision in *Bates* was in my view inconsistent with the standard test that is now applied in commercial speech cases *Bates* was an early experiment with the doctrine of commercial speech, and it has proved to be problematic in its application. Rather than continuing to work out all the consequences of its approach, we should now return to the States the legislative function that has so inappropriately been taken from them in the context of attorney advertising.

Shapiro v. Ky. Bar Ass'n, 486 U.S. 466, 485, 487 (1988) (O'Connor, J., dissenting).

⁴⁷ Legal Services Act, 2007, c. 29 (U.K.). The Legal Services Act of 2007 created a new form of business structure for legal services, known as the "alternative business structure" or "ABS." *Id.* §§ 71–111. As this Article went to press, sixty-four ABSs have been granted and many more await approval. See *Register of Licensed Bodies (ABS)*, SOLICITOR'S REG. AUTHORITY, <http://www.sra.org.uk/absregister/> (last visited Jan. 10, 2013).

⁴⁸ See, e.g., GEORGIA CIVIL LEGAL NEEDS REPORT, *supra* note 4, at 36 ("While some courts and other entities are developing online resources aimed at litigants, these resources are not being used by most low and moderate income Georgia households. Although over two thirds (66.1%) [sic] of households participating in the survey reported that they had access to the Internet, over 94% of those households reported that they had not used those resource [sic] to access legal forms.").

most Americans lack basic knowledge about the legal system.⁴⁹ Without this fundamental information, they are unlikely to become regular users of legal services.⁵⁰

There is reason to believe, however, that we are at the “[t]ipping [p]oint” for wide-scale adoption of legal services in the United States—what Malcolm Gladwell calls that “one dramatic moment in an epidemic when everything can change all at once.”⁵¹ As Gladwell acknowledges, “We all want to believe that the key to making an impact on someone lies with the inherent quality of the ideas we present.”⁵² This observation is certainly true of lawyers. According to Gladwell, however, what we really should focus on is the method through which an idea is delivered.⁵³ For example, he asks if Paul Revere’s ride would have been effectively made in the middle of the afternoon—when people were away on errands or working in the field, and without the urgency of being awakened from sleep at night.⁵⁴ The answer to the question surely is no. Relatedly, Gladwell posits: “There is a simple way to package information that, under the right circumstances, can make it irresistible. All you have to do is find it.”⁵⁵ The challenge for the legal profession is to make our services irresistible.

Two recent studies on the use of personal legal services—one from the ABA and one from a private lawyer comparison service in the United Kingdom—offer some insight on how we may very well be at Gladwell’s tipping point, provided that we can succeed in making legal services irresistible. The ABA’s Standing Committee on the Delivery of Legal Services recently conducted a public opinion poll to ascertain individuals’

⁴⁹ For example, a 2011 survey by the American Bar Association found: “People are more likely to turn to a judge as a resource in a self-litigated matter when proceeding without a lawyer than any other resource listed in the survey. This suggests a basic misunderstanding of the role of the judge in our courts.” *Perspectives on Finding Personal Legal Services: The Results of a Public Opinion Poll*, A.B.A. STANDING COMM. ON THE DELIVERY OF LEGAL SERVS. 28 (Feb. 2011), http://www.americanbar.org/content/dam/aba/administrative/delivery_legal_services/20110228_aba_harris_survey_report.authcheckdam.pdf [hereinafter *Perspectives on Finding Personal Legal Services*].

⁵⁰ See Echols, *supra* note 6, at 35 (“These findings indicate that for most of those with legal needs who did not seek help, the reason was *not* that they regarded the problem as unimportant. Rather, many did not understand that their problem had a potential legal solution”); see also GEORGIA CIVIL LEGAL NEEDS REPORT, *supra* note 4, at 2 (noting that “many low and moderate income Georgians are not sufficiently aware of available resources to help resolve one’s legal needs” and that “a lack of understanding as to how the court process works represents an obstacle to the courts’ ability to administer justice for all”).

⁵¹ MALCOLM GLADWELL, *THE TIPPING POINT: HOW LITTLE THINGS CAN MAKE A BIG DIFFERENCE* 9 (1st ed. 2000).

⁵² *Id.* at 131.

⁵³ See *id.* at 139 (introducing the “Power of Context” as a “principle[] of epidemic transmission”).

⁵⁴ *Id.*

⁵⁵ *Id.* at 132.

“perspectives on finding personal legal services.”⁵⁶ Interestingly, while the Internet is pervasive in modern American life,⁵⁷ only 7% responded that they would search primarily online for an attorney.⁵⁸ Rather, “four out of five people indicated that they would turn to a trusted source as their primary way of finding a lawyer for a personal legal matter.”⁵⁹ The question, of course, is whether this “trusted source” referral—were it available—might translate online into social medial tools for accessing legal services:

Forty-seven percent of respondents were very likely or somewhat likely to turn to websites where lawyers are rated. This type of third-party credentialing is not unlike the verification a person gets when they turn to a trusted source such as a friend or family member. Obviously, the distinction is that the viewer is unfamiliar with those who provide the ratings. Nevertheless, customer rating sites have become popular in a variety of matters, including hotel and travel resources, doctors and teachers.

....

While respondents demonstrate an interest in sites that answer their legal questions or rate the lawyers they would consider using, the low level of interest in the more interactive, community-building models is curious. Seemingly, social networking tools approximate the off-line communities that respondents indicate they would turn to in order to find a lawyer. However, that same sense of reliance is not translating to the online realm for the selection of a lawyer for personal legal matters.⁶⁰

The study suggested “two possible reasons” to explain the reluctance to engage in online legal services notwithstanding the interest.⁶¹ One, it may be “that social media is too recent and too few people are participating in it for it to be a wide spread method to help find a lawyer.”⁶² Two, it may be “that the selection of a lawyer for a personal matter is simply too intimate a

⁵⁶ *Perspectives on Finding Personal Legal Services*, *supra* note 49, at 1.

⁵⁷ See KATHRYN ZICKUHR & AARON SMITH, PEW RESEARCH CTR., DIGITAL DIFFERENCES 4 (2012), available at http://pewinternet.org/~media/Files/Reports/2012/PIP_Digital_differences_041312.pdf (“In 1995, only about one in 10 adults in the U.S. were going online. As of August 2011, the U.S. [I]nternet population includes 78% of adults (and 95% of teenagers).” (footnote omitted)).

⁵⁸ *Perspectives on Finding Personal Legal Services*, *supra* note 49, at 8.

⁵⁹ *Id.*

⁶⁰ *Id.* at 14, 16.

⁶¹ *Id.* at 16.

⁶² *Id.*

decision to come into play in the everyday use of social media.”⁶³ The poll also indicated that “[i]nnovative online models, such as those that enable an exchange of questions and answers with lawyers and those that provide consumer feedback about lawyers are most likely to be used to assist in finding a lawyer for personal legal matters.”⁶⁴ The poll further found that while most respondents were not familiar with “limited scope representation, or unbundled legal services,” after learning about it, “they show an interest in discussing this as an option with a lawyer who may represent them in a personal legal matter.”⁶⁵ This study concluded with recommendations that more research should be conducted in the future.⁶⁶

In contrast to the ABA’s study documenting reluctance to use the Internet for legal services, a recent study from the United Kingdom revealed “that 32 million Britons consider the Internet as the most appealing way to source legal services”—namely because individuals “can find legal services at any time” and “can compare services without any pressure to buy.”⁶⁷ The study found, for example, that “[n]early seven out of ten people are attracted to the idea of finding legal services on the [I]nternet and a similar number of younger adults are likely to go to supermarket providers.”⁶⁸ The study also revealed that “more than eight out of ten are more likely to take legal advice on a fixed-fee basis” over an indeterminate hourly rate.⁶⁹ Likewise, another recent research effort in the United Kingdom noted a “massive increase in people using Twitter to ask for recommendations of professional service providers in the last two years, with solicitors one of the most in demand.”⁷⁰

Why this stark difference between the American and British markets? Perhaps part of it stems from the British data being somewhat more recent—the ABA study was conducted in 2011 and the British data was collected in 2012. More likely, however, the reason is that the United Kingdom population has been exposed to a flurry of new, innovative models for delivering legal services in the wake of the Legal Services

⁶³ *Id.*

⁶⁴ *Id.* at 5.

⁶⁵ *Id.*

⁶⁶ *Id.* at 11, 16, 21, 28.

⁶⁷ *Total Media: You Can Save up to 20% in Legal Fees by Using a Comparison Website*, MARKETWATCH (Nov. 23, 2012, 5:57 AM), <http://www.marketwatch.com/story/total-media-you-can-save-up-to-20-in-legal-fees-by-using-a-comparison-website-2012-11-23>.

⁶⁸ *Younger Consumers Attracted by Idea of Legal Services from a Supermarket*, LEGAL FUTURES (Nov. 26, 2012), <http://www.legalfutures.co.uk/latest-news/younger-consumers-attracted-idea-legal-services-supermarket>.

⁶⁹ *Id.*

⁷⁰ *Twitter Becoming Key Referral Source for Solicitors, Says Research*, LEGAL FUTURES (June 14, 2012), <http://www.legalfutures.co.uk/latest-news/twitter-becoming-key-referral-source-for-solicitors-says-research>.

Act's liberalization of external investment into law practices.⁷¹

United Kingdom businesses including the Co-Operative Legal Services, Legal365, QualitySolicitors, and Riverview Law have fundamentally altered the means for obtaining legal services while simultaneously enhancing public information about what lawyers do and how they can be helpful through creative and wide-sweeping media campaigns,⁷² free online libraries of legal forms and information,⁷³ and—significantly—placement in retail locations where individuals conduct the routines of daily life, such as shopping for groceries or purchasing a newspaper.⁷⁴ While narrow pockets of similar innovation are emerging in the US—witness LegalForce's Bookflip store on University Avenue in Palo Alto, where customers can purchase books, tablets, and legal advice⁷⁵—this is not yet the norm.

Making legal services irresistible is not only a remedy for what ails the profession, but it is also a lawyer's professional obligation. "The role of an attorney in navigating and, when necessary, challenging the law[,] is a critical component of American democratic government."⁷⁶ A law on the books is meaningless if one does not know when it might apply to her circumstances or how to enforce it. An attorney's ethical duty is to make law accessible not only to the client,⁷⁷ but also the public.⁷⁸ The Model

⁷¹ See *supra* note 47 and accompanying text.

⁷² As one example, in early 2012, QualitySolicitors announced a fifteen million pound media campaign, including the creation of unique television advertising featuring the tagline: "Whatever Life Brings." Nicola Palios, *What £15 Million of Marketing Spend Has Bought QualitySolicitors*, LEGAL SERVS. WATCH (Apr. 4, 2012, 3:50 AM), <http://legalserviceswatch.blogspot.com/2012/04/what-15-million-of-marketing-spend-has.html>.

⁷³ Riverview Law and Legal365 both offer a library of documents to users. *Search Legal Library*, RIVERVIEW LAW, <http://www.riverviewlaw.com/search-legal-library/> (last visited Feb. 26, 2013); *All Documents: A-Z*, LEGAL365.COM, <http://www.legal365.com/all-documents-a-z/> (last visited Feb. 26, 2013).

⁷⁴ John Eligon, *Selling Pieces of Law Firms*, N.Y. TIMES, Oct. 29, 2011, at B1 ("England began this month to allow groups other than lawyers to own and control law practices, and some of the country's major retailers have begun offering legal services in their stores and online."). QualitySolicitors, one of the businesses profiled in Eligon's story, places interactive kiosks in WHSmith stores. *Id.*; see also Wesley Johnson, *Co-op Begins Offering Legal Services to Customers*, INDEPENDENT (Mar. 28, 2012), <http://www.independent.co.uk/news/business/news/coop-begins-offering-legal-services-to-customers-7594078.html> ("The Co-operative today became the first brand name high street store to be able to offer legal services to its customers, the Ministry of Justice said.").

⁷⁵ See Lorraine Sanders, *Inside the Curious Bricks-and-Mortar Store for Legal Advice, Books, Tablets*, FAST COMPANY (Mar. 27, 2013), <http://www.fastcompany.com/3007499/tech-forecast/inside-curious-bricks-and-mortar-store-legal-advice-books-tablets>.

⁷⁶ Renee Newman Knake, *Attorney Advice and the First Amendment*, 68 WASH. & LEE L. REV. 639, 642–43 (2011) (citations omitted).

⁷⁷ See MODEL RULES OF PROF'L CONDUCT R. 2.1 (2012) ("In representing a client, a lawyer shall exercise independent professional judgment and render candid advice."); *id.* R. 1.4(b) ("A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.")

⁷⁸ See discussion *infra* notes 79–81.

Rules of Professional Conduct conceive of this obligation as part of the lawyer's role as a "public citizen":

As a public citizen, a lawyer should seek improvement of the law, *access* to the legal system, the administration of justice and the quality of service rendered by the legal profession. As a member of a learned profession, a lawyer should cultivate knowledge of the law beyond its use for clients, employ that knowledge in reform of the law and work to strengthen legal education. In addition, a lawyer should *further the public's understanding* of and confidence in the rule of law and the justice system.⁷⁹

The Model Rules further recognize the "interest in expanding public information about legal services" and that "the public's need to know about legal services . . . is particularly acute in the case of persons of moderate means who have not made extensive use of legal services."⁸⁰ The Model Code of Professional Conduct, now replaced by the Model Rules, offers important history about this obligation. The Model Code contained a provision devoted exclusively to making information about legal services available. The provision, Ethical Consideration 2-1, provided:

The need of members of the public for legal services is met only if they recognize their legal problems, appreciate the importance of seeking assistance, and are able to obtain the services of acceptable legal counsel. Hence, important functions of the legal profession are to educate laymen to recognize their problems, to facilitate the process of intelligent selection of lawyers, and to assist in making legal services fully available.⁸¹

The Supreme Court has also recognized vital First Amendment interests in publicly available information about legal services. In *Bates v. State Bar of Arizona*,⁸² the Supreme Court struck down the universal lawyer advertising ban and, in so doing, recognized "the right of the public as consumers and citizens to know about the activities of the legal profession."⁸³ A careful reading of the majority opinion reveals that the outcome of the case was driven more by public information interests than concerns for attorneys' freedom of speech. The litigation pitted lawyers

⁷⁹ MODEL RULES OF PROF'L CONDUCT pmb1. (6) (2012).

⁸⁰ *Id.* R. 7.2, cmt. 1.

⁸¹ MODEL CODE OF PROF'L RESPONSIBILITY, ED. COMMENT 2-1 (1983).

⁸² 433 U.S. 350 (1977).

⁸³ *Id.* at 358 (quoting *In re Bates*, 555 P.2d 640, 648 (Ariz. 1976) (Holohan, J., dissenting)).

against lawyers: John Bates and Van O'Steen wanted to publish a small ad listing routine legal services, such as an uncontested divorce for a set fee, to generate business for their legal aid office, but the Arizona State Bar prohibited them from providing information in this manner.⁸⁴ The Arizona State Bar contended that the advertising ban helped maintain a professional image for lawyers, and protected the public from unnecessary litigation or misleading communications.⁸⁵

The Supreme Court rejected the Bar's professionalism concerns and elevated the public's need for information. For the Court, the lack of advertising "reflect[ed] the profession's failure to reach out and serve the community."⁸⁶ The Court grounded its decision in "[s]tudies reveal[ing] that many persons do not obtain counsel even when they perceive a need because of the feared price of services or because of an inability to locate a competent attorney."⁸⁷ The Court also observed, "it is the bar's role to assure that the populace is sufficiently informed [about legal services] as to enable it to place advertising in its proper perspective."⁸⁸

In short, the delivery challenge still faced by the profession today was what drove the Supreme Court's reasoning nearly four decades ago: "[T]he middle 70% of our population is not being reached or served adequately by the legal profession. Among the reasons for this underutilization is fear of the cost, and an inability to locate a suitable lawyer."⁸⁹ The value of information to the public is precisely what motivated the Court to liberalize attorney advertising regulation in *Bates*:

Advertising can help to solve this acknowledged problem. Advertising is the traditional mechanism in a free-market economy for a supplier to inform a potential purchaser of the availability and terms of exchange. The disciplinary rule at issue likely has served to burden access to legal services, particularly for the not-quite-poor and the unknowledgeable. A rule allowing restrained advertising would be in accord with the bar's obligation to facilitate the process of intelligent selection of lawyers, and to assist in making legal services fully available.⁹⁰

Just as bar authorities have an explicit obligation after *Bates* to facilitate the public's access to information about legal services, in my view so do law schools, even if they escaped the Court's attention. In many ways, law

⁸⁴ *Id.* at 353–55.

⁸⁵ *Id.* at 368, 372.

⁸⁶ *Id.* at 370.

⁸⁷ *Id.* (footnote omitted).

⁸⁸ *Id.* at 375.

⁸⁹ *Id.* at 376 (citation omitted) (internal quotation marks omitted).

⁹⁰ *Id.* at 376–77 (internal quotation marks omitted).

schools are better suited for this function and, as it turns out, the ABA and state professional bodies have not been effective in this regard.⁹¹

What role should a law school play, if any, in facilitating mass adoption of legal services? Our public education system has failed to incorporate sufficient instruction about law and legal problems beyond, at best, the basics of citizenship. According to a recent American Bar Foundation report, there is an “absence of coordination” among bar associations at the national and state levels with regard to the “resources available to support civil legal assistance,” and they have, as a result, employed a patchwork effort in targeting those who qualify for legal aid.⁹² This contributes to the public’s lack of information about these types of services and their availability. The impression most of the public holds about lawyers comes from Hollywood or personal injury/settlement-mill advertisements⁹³—not exactly the most realistic or informative of portrayals for determining when a lawyer might prevent, or navigate through, a problem. In this era of mass-information access,⁹⁴ the work of lawyers remains largely secretive and mysterious, if not distrusted.⁹⁵ Education can go a long way toward convincing the public to adopt legal services as a part of daily life, and law schools are well-suited to take on this role.

Others also posit that an informed public will increase demand for legal services. Like the *Bates* Court, legal profession scholars have

⁹¹ See generally REBECCA L. SANDEFUR & AARON C. SMYTH, AM. BAR FOUND., ACCESS ACROSS AMERICA: FIRST REPORT OF THE CIVIL JUSTICE INFRASTRUCTURE MAPPING PROJECT (2011), available at http://www.americanbarfoundation.org/uploads/cms/documents/access_across_america_first_report_of_the_civil_justice_infrastructure_mapping_project.pdf (documenting both nationally and by state whether and how individuals access free civil legal information, advice, or representation).

⁹² See *id.* at v (“States differ substantially in the resources available to support civil legal assistance, in the kinds of services that are available, and in the groups served by existing programs. Little coordination exists for civil legal assistance, and existing mechanisms of coordination often have powers only of exhortation and consultation. Thus, in most states, the public’s civil legal needs are not routinely assessed and no entity can ensure that services in specific areas match the needs of the eligible populations in those areas.”).

⁹³ See, e.g., Stuart A. Carpey, *Personal Injury Lawyer Ads: Deceptive or Necessary?*, PA. INJURY L. REP. (Feb. 2, 2011), <http://www.pennsylvaniainjurylawreport.com/2011/02/articles/practice-management/personal-injury-lawyer-ads-deceptive-or-necessary/> (“[T]he general public finds advertising by personal injury lawyers . . . across the country annoying, tasteless, and downright bad.”).

⁹⁴ See *What Is Big Data?*, IBM, <http://www-01.ibm.com/software/data/bigdata/> (last visited Feb. 4, 2013) (“Every day, we create 2.5 quintillion bytes of data—so much that 90% of the data in the world today has been created in the last two years alone.”).

⁹⁵ See, e.g., Hon. Marcia S. Krieger, *A Twenty-First Century Ethos for the Legal Profession: Why Bother?*, 86 DENV. U. L. REV. 865, 878–79 (2009) (stating that distrust of lawyers “is not at all surprising given the steady drumbeat of scandals involving . . . lawyers and judges”); Rachel M. Zahorsky, *It’s Not Just Money Fears Blocking Access to Legal Help; Lawyer Distrust Is Growing*, A.B.A. J. (Dec. 1, 2012, 2:20 AM), http://www.abajournal.com/magazine/article/its_not_just_money_fears_blocking_access_to_legal_help_lawyer_distrust_is_g (“Distrust of the private bar stands near the top of the list for many would-be clients . . .”).

similarly called for an “empowered citizen”⁹⁶ and other forms of public education.⁹⁷ Interestingly, however, there has not been a similar call for this effort to be addressed by what seems to be the most obvious provider of any education about the law: the law schools themselves.

Instead, the Court and commentators propose that the task of public education should fall upon professional associations or practicing attorneys, but not the academy.⁹⁸ It is perhaps even more surprising that law schools have not proactively provided this sort of information through a wide-scale, systematic public information campaign.⁹⁹ While a number of law schools do offer what is known as “law-related education,” or LRE, through programs like Street Law or other partnerships with local high schools and community organizations,¹⁰⁰ these efforts do not approach the sort of mass public information campaign necessary to fundamentally alter the demand for legal services in this country. Law schools do, however, have the tools to respond.

III. THE ROLE OF LAW SCHOOLS IN DEMOCRATIZING LEGAL EDUCATION

Calls for reform to legal education have become increasingly heated in recent years, particularly in the wake of so-called scam blogs, greater media scrutiny, and critiques from members of the law academy themselves.¹⁰¹ Books have been written, articles have been published, studies have been launched, conferences have been organized, and conversations have been held around the proverbial water cooler over the

⁹⁶ SUSSKIND, *supra* note 10, at 238.

⁹⁷ See Rhode, *Access to Justice*, *supra* note 37, at 418 (“[One] strategy for improving the market and enhancing the attractiveness of legal services involves increasing the information readily available about their quality.”).

⁹⁸ See *supra* notes 82 and 96, and accompanying text.

⁹⁹ The phrases “public information campaign” and “public education campaign” are often used interchangeably. For purposes here, I use “public information campaign.”

¹⁰⁰ See Mark C. Alexander, *Law-Related Education: Hope for Today’s Students*, 20 OHIO N.U. L. REV. 57, 96–97 (1993) (recommending law-related education as part of the K-12 education curriculum and concluding that while “nothing could be more educationally and developmentally important for our nation’s children, . . . the subject receives only a small fraction of the attention it deserves”); see also Jamin B. Raskin, *Bringing the High Court to High School*, EDUC. LEADERSHIP, Dec. 2001–Jan. 2002, at 51, 55 (“[L]aw schools have an obligation to help all students understand their constitutional rights and responsibilities. . . . [L]aw schools and high schools can work together to improve students’ constitutional literacy and revive a sense of the importance of democratic citizenship among young citizens of the United States.”).

¹⁰¹ See, e.g., BRIAN TAMANAHA, *FAILING LAW SCHOOLS* (2002); Daniel D. Barnhizer, *Cultural Narratives of the Legal Profession: Law School, Scamblogs, Hopelessness and the Rule of Law*, 2012 MICH. ST. L. REV. 663 (2012); Ethan Bronner, *A Call for Drastic Changes in Educating New Lawyers*, N.Y. TIMES, Feb. 12, 2013, at A11; Ethan Bronner, *Law Schools’ Applications Fall as Costs Rise and Jobs Are Cut*, N.Y. TIMES, Jan. 31, 2013, at A1; Ethan Bronner, *To Place Graduates, Law Schools Are Opening Firms*, N.Y. TIMES, Mar. 8 2013, at A14; Paul Campos, *INSIDE THE LAW SCHOOL SCAM*, <http://insidethelawschoolscam.blogspot.com/> (last updated Feb. 27, 2013).

future of legal education, all focused upon ways that we might provide enhanced learning for future lawyers.¹⁰² While I appreciate the significance of reflecting upon reform in these various ways, as Elizabeth Chambliss recently observed, “It’s not about us!”¹⁰³ Indeed, Chambliss called out the ABA for establishing a task force “on the future of legal education to ‘examine how well law schools are meeting the *needs of the profession*’”; but, in her words, the task force is “dangerously—and ultimately, outrageously” failing to “focus on how well law schools are meeting the *needs of the public*.”¹⁰⁴ She similarly critiqued one of the leading calls for reform—Brian Tamanaha’s FAILING LAW SCHOOLS—as failing to consider new roles for law schools; for example, his failure to “promot[e] the liberalization of the U.S. legal services market, so that legal services might become more competitive and accessible to ordinary consumers,” and his failure to explore modified degrees for limited license law practice.¹⁰⁵ Though she does not add it to her list, my guess is that Chambliss would agree with my recommendation that legal education take up another new role: one of public education about law.

As I noted in Part II of this Article, the concept of informing the public about basic legal rights has been advocated by courts and scholars alike—including the Supreme Court in *Bates* and Richard Susskind’s “empowered citizen.”¹⁰⁶ For the *Bates* Court, as explained above, advertising was an important source of public information about law, and the Court expected professional organizations to step in as necessary. Two decades after *Bates*, Susskind wrote, “we need to empower citizens to sort out some of their own legal issues.”¹⁰⁷ He suggested a range of “channels for the delivery of legal awareness-raising,” including “[p]ublic bodies, law firms, third sector bodies, and others [that] can produce handy leaflets, magazines, information packs, and websites,” as well as newspapers,

¹⁰² See, e.g., MORGAN, *supra* note 12; RICHARD E. SUSSKIND, *supra* note 10; RICHARD E. SUSSKIND, TOMORROW’S LAWYERS: AN INTRODUCTION TO YOUR FUTURE (2013); BRIAN Z. TAMANAHA, *supra* note 98; Symposium, *The Future of Legal Education*, 96 IOWA L. REV. 1449 (2011); A.B.A. TASK FORCE ON THE FUTURE OF LEGAL EDUCATION, http://www.americanbar.org/groups/professional_responsibility/taskforceonthefuturelegaleducation.html (last visited Mar. 15, 2013); ASS’N. OF AM. LAW SCHS., CONFERENCE ON THE FUTURE OF THE LAW SCHOOL CURRICULUM (June 2011), available at <http://www.aals.org/clinical2011/Clinical&CurriculumWorkbooklet.pdf>; Lincoln Caplan, *An Existential Crisis for Law Schools*, N.Y. TIMES, Jul. 15, 2012, at SR10; Ethan Bronner, *A Call for Drastic Change in Educating New Lawyers*, N.Y. TIMES, Feb. 13, 2013, at A11.

¹⁰³ Elizabeth Chambliss, *It’s Not About Us: Beyond the Job Market Critique of U.S. Law Schools*, GEO. J. LEGAL ETHICS (forthcoming 2013) (manuscript at 1), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2189021.

¹⁰⁴ *Id.* (emphasis added) (citations omitted).

¹⁰⁵ *Id.*

¹⁰⁶ See *supra* notes 82 and 96, and accompanying text.

¹⁰⁷ SUSSKIND, *supra* note 10, at 238.

television, and e-learning devices such as webcasts and podcasts.¹⁰⁸ Susskind also hypothesized that information technology can play an important role beyond “online self-help facilities that offer guidance on questions of substantive law.”¹⁰⁹ Instead, he speculated that “citizens can be supported by IT in *recognizing* when legal help would be beneficial and in *selecting* the most appropriate sources of legal help for their purposes.”¹¹⁰ Likewise, legal scholar Deborah Rhode has called upon “[c]ourts, bar associations, public interest groups, and legal services providers [to] take more active roles in educating the public on these issues and in attracting additional support for restricted cases.”¹¹¹

Despite calls from the Court and scholars for this sort of public education,¹¹² little effort has been made.¹¹³ Few bar associations have engaged in public information campaigns promoting the use of lawyers to solve legal problems. As Rhode has observed, “Legal services providers are understandably reluctant to invest significant funds in speculative media campaigns when so many fundamental needs remain unmet. And bar associations have often lacked the membership support and public credibility to fill the gap.”¹¹⁴ Research conducted for this Article uncovered only two examples of public information campaigns from state bar associations designed to encourage general awareness of when a lawyer might be necessary or useful: a 2008 Pennsylvania Bar Association state-wide public information campaign entitled “How a Lawyer Can Help You”¹¹⁵ and a 1999 Virginia Bar Association public education campaign.¹¹⁶ The Virginia campaign was particularly well done; it won a National Newspaper Association *ATHENA* award in a competition that “recognizes

¹⁰⁸ *Id.* at 239.

¹⁰⁹ *Id.*

¹¹⁰ *Id.*

¹¹¹ Rhode, *Access to Justice*, *supra* note 37, at 391; *see also id.* at 402 (“To make unbundling financially viable for attorneys, more courts and bar associations can sponsor . . . public education programs designed to increase the client demand for such assistance.”).

¹¹² *See id.* (“Bar leaders should take a far more active role in educating the public and the profession about the importance of legal services programs and the gross injustices of current restrictions.”).

¹¹³ *See id.*

¹¹⁴ Deborah Rhode, *Whatever Happened to Access to Justice?*, 42 *LOY. L.A. L. REV.* 869, 908 (2009).

¹¹⁵ *See ‘How a Lawyer Can Help You’ Statewide Public Education Campaign*, PENN. BAR ASS’N, <http://www.pabar.org/public/08publicedcampaign.asp> (last visited Feb. 6, 2013) (describing purpose of campaign as to highlight “the importance of contacting a lawyer to ensure that [citizens’] rights are protected”).

¹¹⁶ *See Public Education Campaign*, VA. ST. BAR, <http://www.vsb.org/site/publications/public-education-campaign> (last visited Feb. 6, 2013) [hereinafter *Public Education Campaign*] (indicating purpose of campaign as to “raise awareness of the value of the legal profession to the citizens of Virginia”).

the best in national newspaper advertising.”¹¹⁷ The campaign, created by students at Virginia Commonwealth University, included a series of five print advertisements and posters.¹¹⁸ Each ad “illustrate[d] how lawyers help ordinary people” and ended with the common tag line: “You have rights. Lawyers protect them. Virginia State Bar.”¹¹⁹ The ads apparently ran in newspapers with plans for corresponding radio and TV spots, but funding was insufficient.¹²⁰ The ABA has a Special Committee on Youth Education for Citizenship that purports to “promote[] partnerships among educators, legal professionals and others interested in educating children about the law and citizenship,”¹²¹ but has not engaged in a wide-scale public information campaign of the scope contemplated here. The Association of American Law Schools has similarly neglected to make public law-related education a priority, although it has gestured toward the need for this education by hosting colloquiums to discuss access-to-justice concerns.¹²² One notable exception is work by the public interest bar, which has increased its education efforts over the past two decades.¹²³

Some law schools and practicing attorneys engage in law-related education, or LRE, a “term of art used to refer to legal education for non-law students.”¹²⁴ LRE “has been a part of American education throughout this nation’s history and continues to grow and spread.”¹²⁵ Yet, “the subject receives only a small fraction of the attention it deserves.”¹²⁶ Perhaps the most well-known program for LRE provided as a partnership between law schools and high schools is Street Law. Street Law was

¹¹⁷ *Id.*

¹¹⁸ *Id.*

¹¹⁹ *Public Education Campaign*, *supra* note 116.

¹²⁰ *See id.* (“The committee is considering developing the print ads into radio and/or TV spots, subject to available funding.”).

¹²¹ *K-12 Youth Education*, A.B.A., http://www.americanbar.org/groups/public_education/resources/educational_resources/teaching_resource_guides/k_12_youth_education.html (last visited Feb. 6, 2013).

¹²² *See, e.g.*, ASS’N OF AM. LAW SCHS., EQUAL JUSTICE PROJECT, PURSUING EQUAL JUSTICE: LAW SCHOOLS AND THE PROVISION OF LEGAL SERVICES 32–33 (2002), *available at* http://www.aals.org/equaljustice/final_report.pdf. The report’s final recommendations included efforts such as creating an Equal Justice Fellowship for faculty, establishing a permanent AALS Section on Equal Justice, incorporation of equal justice in AALS Professional Development Programs, as well as creating a national network of law schools focused on equal justice that would engage in efforts such as creating national report cards on equal justice issues. *Id.*

¹²³ *See* Deborah L. Rhode, *Public Interest Law: The Movement at Midlife*, 60 STAN. L. REV. 2027, 2028, 2048 (2008) (observing that “[o]ver the past two decades, as courts have grown more conservative, most organizations have become more selective in their use of lawsuits, and have focused more attention on multiple strategies including policy and public education” and noting that “the research, reports, education and media activities jumped from 12% to 26%” according to Rhode’s survey of “some fifty leaders of the nation’s preeminent public interest legal organizations”).

¹²⁴ Alexander, *supra* note 100, at 57.

¹²⁵ *Id.*

¹²⁶ *Id.* at 97.

founded in 1972 by students at Georgetown University Law Center who “decided to bring law out of the courtrooms and into the underserved public school classrooms of Washington, DC.”¹²⁷ “Street Law provides [law] students with a chance to expand their knowledge of substantive law, but equally important, provides them with lawyering skills that they would not ordinarily receive in a traditional law school curriculum.”¹²⁸ There are now Street Law programs in every state and thirty countries.¹²⁹ Studies have shown that “Street Law’s law-related education programs . . . increase students’ knowledge about the law and legal systems,”¹³⁰ and “formal evaluations as well as anecdotal reports from teachers and administrators show that Street Law programs increase understanding and belief in laws, increase bonding to school and system officials, and *decrease the incidence of rule-breaking*.”¹³¹ The programs “focus on the practical information that young people need to know in everyday life.”¹³² According to Professors Matthew Kavanagh and Bebs Chorak, “The idea is not to create lawyers, but to teach ‘preventative law,’ which can help young people solve or avoid legal problems as they arise.”¹³³ There are over seventy law schools offering Street Law programs, some sponsored by student organizations, but others led by faculty for course credit or as part of a pro bono requirement.¹³⁴ Other initiatives to provide law-related education to high school students include the Oregon Classroom Law Project;¹³⁵ New York University Law School’s High School Law Institute;¹³⁶ New York County District Attorney’s Legal Bound Program;¹³⁷ the Florida Justice Teaching Program,¹³⁸ and the Marshall-Brennan Constitutional Literacy Project.¹³⁹ To be sure, the efforts of these

¹²⁷ Matthew M. Kavanagh & Bebs Chorak, *Teaching Law as a Life Skill: How Street Law Helps Youth Make the Transition to Adult Citizenship*, 18 J. JUV. JUST. & DETENTION SERVS. 71, 72 (2003).

¹²⁸ Kamina A. Pinder, *Street Law: Twenty-Five Years and Counting*, 27 J. L. & EDUC. 211, 232–33 (1998).

¹²⁹ Kavanagh & Chorak, *supra* note 127, at 72.

¹³⁰ *Id.* at 73.

¹³¹ *Id.*

¹³² *Id.*

¹³³ *Id.*

¹³⁴ See *Directory of Registered Law School-Based Street Law Programs*, STREETLAW, http://www.streetlaw.org/en/Page/858/Directory_of_Registered_Law_SchoolBased_Street_Law_Programs (last visited Dec. 28, 2012) (listing forty-six registered schools).

¹³⁵ *Classroom Law Project*, CLASSROOM LAW PROJECT: TEACHING YOUTH PARTICIPATION IN DEMOCRACY, <http://www.classroomlaw.org/> (last visited Jan. 6, 2013).

¹³⁶ *High School Law Institute*, N.Y.U. L. SCH., <http://www.law.nyu.edu/studentorganizations/highschoolwinstitute/index.htm> (last visited Jan. 7, 2013).

¹³⁷ *Legal Bound*, N.Y. CNTY. DIST. ATT’Y’S OFF., <http://manhattanda.org/legal-bound> (last visited Jan. 7, 2013).

¹³⁸ *About Justice Teaching . . .*, JUSTICE TEACHING, <http://www.justiceteaching.org/about.shtml> (last visited Jan. 7, 2013).

¹³⁹ *The Marshall-Brennan Constitutional Literacy Project*, AM. UNIV. WASH. COLL. OF LAW, <http://www.wcl.american.edu/marshallbrennan/> (last visited Jan. 7, 2013).

types of LRE projects are incredibly important in the lives of the students that they reach—high school and law school students alike. Although these initiatives fulfill critical public service objectives, they have not democratized legal education. A meaningful knowledge of law and legal services still remains largely unrealized for most of the public.

While law schools historically have not been viewed as a source for educating the public about legal services, it is time for change. Law schools can respond to the delivery challenge by democratizing legal education in three ways: (1) incorporating entrepreneurship and innovation into the curriculum; (2) reducing the costs and time involved in training for limited areas of practice that currently are unserved/underserved; and (3) supporting a public information campaign about legal services.

A. *Democratizing Legal Education Through (Law)ntrepreneurship*

One way to democratize legal education is for law schools to embrace a culture and curriculum of what I term “(law)ntrepreneurship”—the discipline of entrepreneurship and innovation in law and legal services.¹⁴⁰ As explained in Part II of this Article, most Americans lack access to meaningful legal advice and services. Unless one qualifies for legal aid or can afford a three-figure hourly rate, it is incredibly burdensome, if not impossible, to obtain a lawyer for even routine legal actions—such as divorce, child support or custody matters, credit disputes, housing issues, and estate planning—let alone assistance for small property disputes, contracts, and business development.¹⁴¹ Part of the problem is lawyer regulation; the existing structure of self-regulation has stifled, if not strangled, attorneys’ ability to reach significant, untapped markets for legal services.¹⁴² Equally problematic, however, is the way lawyers and those entering the profession conceptualize and envision legal services delivery. And this is where (law)ntrepreneurship becomes key. While lawyering has always been an entrepreneurial enterprise in some ways, whether one hangs a shingle or makes it rain, law schools historically have not incorporated entrepreneurship training and law firms traditionally have not valued entrepreneurial endeavors beyond client development (particularly those endeavors requiring a capital outlay where the return is not realized for several years). (Law)ntrepreneurship is about far more than preparing

¹⁴⁰ For more of my thoughts on the inclusion of entrepreneurship and innovation in the law school curriculum, see generally Renee Newman Knake, *Cultivating Learners Who Will Invent the Future of Law Practice: Some Thoughts on Educating Entrepreneurial and Innovative Lawyers*, 38 OHIO N.U. L. REV. 847, 848–54 (2012) (discussing what it means to educate entrepreneurial and innovative lawyers and how it might be accomplished).

¹⁴¹ Knake, *Democratizing the Delivery of Legal Services*, *supra* note 1, at 7.

¹⁴² See *id.* at 11 (outlining the argument that certain rules of professional conduct stymie innovation in legal services that would allow for increased access to the justice system).

lawyers to give advice to entrepreneurs. It is about incorporating entrepreneurship as pedagogy and policy throughout the law school curriculum and the law practice environment.

Invention is crucial to addressing the immense need for legal services previously discussed. While it may seem unlikely that the next Steve Jobs or Mark Zuckerberg will be lawyers (both famously dropped out of college¹⁴³), law schools are filled with potential entrepreneurs in the future of law practice. A number of legal scholars and economists have offered a compelling case for removing many of the barriers to entry and other restrictions upon law practice, an action that would facilitate innovation.¹⁴⁴ Despite the American legal profession's continued adherence to protectionist professional conduct rules, competition from deregulation in countries with more liberal governance, such as the United Kingdom, demands that the U.S. legal market fundamentally rethink the way we regulate the distribution of legal services.¹⁴⁵ Who will invent these new methods of law practice? What will these new legal services look like? How quickly will they be developed? Law schools can offer the tools and cultivate the environment for (law)nterpreneurship so that our students will be the ones who answer these questions and build new service models.

Whether or not a law student goes on to start a business or invent a product, learning about entrepreneurship and innovation can benefit any lawyer's career development. Resourcefulness, risk assessment and management, creativity, and networking are learned behaviors. Moreover, a difficult job market and desire for work-life balance have led many lawyers to become entrepreneurs, rather than pursuing a traditional path to law firm partnership.¹⁴⁶ These lawyer-entrepreneurs struggle, however,

¹⁴³ Neither Apple co-founder and former CEO Steve Jobs, nor Facebook creator and CEO Mark Zuckerberg, graduated from college. See Colleen Mastony, *Steve Jobs Isn't the Only Successful College Dropout*, CHI. TRIB. (Aug. 27, 2011), http://articles.chicagotribune.com/2011-08-27/news/ct-talk-jobs-dropouts-0826-20110827_1_mark-zuckerberg-dropouts-steve-jobs; Mark Smithers, *Dropping Out and Dropping In—Steve Jobs and Higher Education*, MASMITHERS.COM (Oct. 8, 2011), <http://www.masmitthers.com/2011/10/08/dropping-out-and-dropping-in-steve-jobs-and-higher-education/>.

¹⁴⁴ See, e.g., CLIFFORD WINSTON ET AL., *FIRST THING WE DO, LET'S DEREGULATE ALL THE LAWYERS* 82–94 (2011) (arguing that costs of restriction and competition in legal services could be reduced by deregulating entry into the legal profession, allowing any person to provide legal services without licensing, and permitting free market forces to determine the relative value of legal training and licensing); Ribstein, *supra* note 39, at 751–52 (using economic analysis to argue for a fundamental restructuring of large law firm practice business models in a way that will overcome regulatory barriers and promote economic viability); see also sources discussed *supra* note 39.

¹⁴⁵ These countries now permit non-lawyers to partner with lawyers to own and invest in law practices. See Knake, *Democratizing the Delivery of Legal Services*, *supra* note 1, at 39–40 (discussing regulatory reform in Australia and the United Kingdom).

¹⁴⁶ See Eilene Zimmerman, *More Lawyers Skip the Partner Track to Be Entrepreneurs*, N.Y. TIMES, Nov. 24, 2011, at B5 (reporting on a pair of big firm lawyers who decided to launch their own firm for lifestyle reasons, and on the rising number of young lawyers who have lost work or have been

with time management, client development, billing, marketing, and leveraging start-up costs and overhead¹⁴⁷—all issues that can, and should, be covered in the law school curriculum.

The profession faces unprecedented disruption in the “race against the machine,” as more of the traditional lawyer roles, such as document review and dispute outcome prediction, become replaced or aided by computers.¹⁴⁸ Technology-assisted document review performs on par with lawyers, “if not better, [and] at far less cost.”¹⁴⁹ This will soon be true for predicting the outcomes of cases.¹⁵⁰ As technology advances, “softer skills like leadership, teambuilding, and creativity will be increasingly important. They are the areas least likely to be automated and most in demand in a dynamic, entrepreneurial economy.”¹⁵¹

The ABA recently acknowledged this technological disruption by amending Rule 1.1 of the Model Rules of Professional Conduct to adopt an explicit obligation to keep abreast of changes in technology.¹⁵² By incorporating innovation and entrepreneurship into students’ coursework, law schools can implement a “race *with* machines strategy,” or, in other words, law schools can nurture “organizational innovation: co-inventing new organizational structures, processes, and business models that leverage ever-advancing technology and human skills.”¹⁵³ Entrepreneurs thrive during periods of stagnant employment “by develop[ing] new business models that combine the swelling numbers of mid-skilled workers with

unable to find it due to the economic recession and who reacted by taking more risks, including starting their own law practices).

¹⁴⁷ *See id.*

¹⁴⁸ ERIK BRYNJOLFSSON & ANDREW MCAFFEE, RACE AGAINST THE MACHINE: HOW THE DIGITAL REVOLUTION IS ACCELERATING INNOVATION, DRIVING PRODUCTIVITY, AND IRREVERSIBLY TRANSFORMING EMPLOYMENT AND THE ECONOMY 56 (2011).

¹⁴⁹ Joe Dysart, *A New View of Review: Predictive Coding Vows to Cut E-Discovery Drudgery*, A.B.A. J. (Oct. 1, 2011, 2:00 AM), http://www.abajournal.com/magazine/article/a_new_view_of_review_predictive_coding_vows_to_cut_e-discovery_drudgery/ (“Research has shown that, under the best circumstances, manual review will identify about 70 percent of the responsive documents in a large data collection. Some technology-assisted approaches have been shown to perform at least as well as that, if not better, at far less cost.”).

¹⁵⁰ *See generally* Daniel Martin Katz, *Quantitative Legal Prediction—or—How I Learned to Stop Worrying and Start Preparing for the Data Driven Future of the Legal Services Industry*, 62 EMORY L.J. (forthcoming 2013), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2187752 (exploring how “the rise of Big Data and ‘soft’ artificial intelligence . . . has invigorated the formerly dormant field of legal prediction”).

¹⁵¹ BRYNJOLFSSON & MCAFFEE, *supra* note 148, at 63.

¹⁵² MODEL RULES OF PROF’L CONDUCT R. 1.1 cmt. 8 (2012) (“To maintain the requisite knowledge and skill, a lawyer should keep abreast of changes in the law and its practice, *including the benefits and risks associated with relevant technology*, engage in continuing study and education and comply with all continuing legal education requirements to which the lawyer is subject.” (emphasis added)).

¹⁵³ BRYNJOLFSSON & MCAFFEE, *supra* note 148, at 56 (emphasis added).

ever-cheaper technology to create value.”¹⁵⁴ Consequently, “[t]here has never been a worse time to be competing with machines, but there has never been a better time to be a talented entrepreneur.”¹⁵⁵ What is more, there has never been a better time for law schools to take on the task of educating entrepreneurs:

The sheer number of products and services, augmented by new technologies, that will become widely available in the next decade and their likely effect on the world will be staggering. Between the advancing technology and the people who will use it stand interaction designers, shaping, guiding, cajoling the future into forms for humans¹⁵⁶

These are all roles for future lawyers.

Bringing (law)ntrepreneurship into the law school curriculum will look different for every school. Some schools’ institutional strengths in technology and entrepreneurship may make this area an emphasis, much as George Mason Law School did with its focus on law and economics.¹⁵⁷ As an example, I recently founded a law laboratory devoted to technology, innovation, and entrepreneurship in legal services: the ReInvent Law Laboratory.¹⁵⁸ The unmet need for legal services requires (re)inventing the practice of law in ways that cannot yet be predicted or even imagined—the Law Laboratory fills this void, which has gone virtually ignored by the legal profession and the legal academy. The primary purposes of the Laboratory are to provide a new element of education through research and experimentation on endeavors designed to solve problems faced by the legal profession, including access-to-justice concerns, and to create new vehicles for the delivery of legal services. We want to build new tools for delivering legal services and to provide students with training for the technology-infused law jobs of the future. Students learn to be “trusted curators” of legal information, in addition to being trusted advisors for

¹⁵⁴ *Id.*

¹⁵⁵ *Id.*

¹⁵⁶ DAN SAFFER, DESIGNING FOR INTERACTION: CREATING SMART APPLICATIONS AND CLEVER DEVICES 220 (2007).

¹⁵⁷ For an overview of George Mason’s law and economics history, see Henry C. Manne, *An Intellectual History of the George Mason University School of Law*, GEORGE MASON UNIV. SCH. OF LAW (1993), <http://www.law.gmu.edu/about/history>. Dean Manne originally conceived of a law school where every student would specialize either “in economics, political science, science and technology, or behavioral science.” *Id.* For a similar proposal, see Daniel Martin Katz, *The MIT School of Law: A Perspective on Legal Education in the 21st Century*, available at <http://www.slideshare.net/Danielkatz/the-mit-school-of-law-presentation-version-102-101411> (last visited Feb. 6, 2013).

¹⁵⁸ I co-founded ReInvent Law with Professor Daniel Katz in 2012, as part of our joint effort to build solutions to the problems faced by legal education and the profession. For more information about our work with the laboratory, see our website at www.ReInventLaw.com.

their clients.¹⁵⁹ Through the Laboratory, collaborators from the fields of law, technology, engineering, design, retail, computer science and beyond come together in this creative community to engage in conversation and to actively construct solutions. The Lab provides an environment where ideas can be generated, tested, and brought to market. So we are very much in start-up mode ourselves, as we apply an entrepreneurial approach to legal education, or, as some might say, an *intrapreneurial*¹⁶⁰ approach.

This is not to say that every law school needs to create a law laboratory. For some schools, collaborating with other university departments, adding courses on entrepreneurship, or adopting entrepreneurship pedagogy in existing courses may be more desirable for exposing students to these thoughts and ideas. Erik Brynjolfsson and Andre McAffee, two professors at the MIT Sloan School of Management, recommend that we “[t]each entrepreneurship as a skill not just in elite business schools but throughout higher education.”¹⁶¹ In this way, they argue that we can “[f]oster a broader class of mid-tech, middle-class entrepreneurs by training them in the fundamentals of business creation and management.”¹⁶²

“Mid-tech, middle-class entrepreneurs” are precisely what the legal profession needs to develop mechanisms to make law accessible to the middle class.¹⁶³ As an example, I recently designed a new course, Entrepreneurial Lawyering, employing entrepreneurship as a teaching pedagogy.¹⁶⁴ Entrepreneurship pedagogy involves “a way of thinking and acting, built on a set of assumptions using a portfolio of techniques to create. It goes beyond understanding, knowing, and talking and requires using, applying, and acting.”¹⁶⁵ This method includes “starting businesses as coursework, serious games and simulations, design-based thinking, and reflective practice.”¹⁶⁶ Students in the Entrepreneurial Lawyering course tackle the delivery challenge facing the legal services industry in start-up

¹⁵⁹ For further discussion of the role of lawyer as trusted curator, see Renee Newman Knake, *The Lawyer as Trusted Curator*, LEGAL ETHICS FORUM BLOG (Mar. 18, 2013), <http://www.legalethicsforum.com/blog/2013/03/the-lawyer-as-trusted-curator.html>.

¹⁶⁰ Simon C. Parker, *Intrapreneurship or Entrepreneurship?*, 26 J. BUS. VENTURING 19, 19 (2011) (“Intrapreneurship—also known as corporate entrepreneurship and corporate venturing—is the practice of developing a new venture within an existing organization, to exploit a new opportunity and create economic value. Entrepreneurship involves developing a new venture outside an existing organization. Both types of new venture creation are of key economic and social importance.”).

¹⁶¹ BRYNJOLFSSON & MCAFFEE, *supra* note 143, at 66.

¹⁶² *Id.*

¹⁶³ *Id.*

¹⁶⁴ I co-taught Entrepreneurial Lawyering with Daniel Katz for the first time in Spring 2013 to a group of fifteen students at Michigan State University College of Law.

¹⁶⁵ Heidi M. Neck & Patricia G. Greene, *Entrepreneurship Education: Known Worlds and New Frontiers*, 49 J. SMALL BUS. MGMT. 55, 55 (2011).

¹⁶⁶ *Id.*

mode. Among other endeavors, each student must create a business plan and pitch a new legal service delivery model. As a supplement to the traditional job resume, students also leave the course with a digital portfolio of work to provide prospective employers and build their careers. Unlike courses at other law schools focused on teaching lawyers how to advise entrepreneurs,¹⁶⁷ we teach lawyers to be entrepreneurs—the discipline of (law)ntrepreneurship.

How does a curriculum of entrepreneurship and innovation tie into the overarching goal of democratizing legal education? It does so by providing law students the tools and inspiration needed for reaching the un lawyered—those who do not qualify for legal aid but cannot afford the three-figure-an-hour lawyer, and those who do not even recognize that they have a legal problem in the first place. If more providers offer legal services online, in retail stores, and other public locations, individuals will become more aware of when, why, and how to access the help they need.

B. *Democratizing Legal Education by Reducing Training Time and Cost for Limited License Law Practice in Unserved/Underserved Areas*

Another way to increase public awareness of legal services is to adjust licensing requirements for discrete areas of practice in underserved areas such as housing, domestic relations, wills, elder care, and consumer protection. Licenses could be provisionally granted after two years of specialized training, followed by a year of work in the particular target area, after which a J.D. would be awarded in the area of specialization or, alternatively, to require return for a third year of law school in order to obtain a traditional, generalist J.D. The concept of a two-year legal education is not new. Columbia University, for example, offered a two-year program in the late nineteenth century.¹⁶⁸ Nevertheless, the Association of American Law Schools has required its members to adhere to a three-year program since 1905,¹⁶⁹ and law schools have done so, with

¹⁶⁷ See, e.g., *LLM in Law & Entrepreneurship*, DUKE UNIV. SCH. OF LAW, <http://law.duke.edu/llmle/llm> (last visited Feb. 12, 2013) (describing the Duke LLM in Law and Entrepreneurship); *The Lawyer as a Business Strategist*, UNIV. PA. L. SCH., <https://www.law.upenn.edu/clinic/entrepreneurship/> (last visited Feb. 12, 2013) (“Penn Law’s Entrepreneurship Legal Clinic (ELC) provides pro bono transactional legal services to Philadelphia area entrepreneurs and businesses.”); *Geoffrey H. Palmer Center for Entrepreneurship and the Law*, PEPPERDINE UNIV. SCH. OF LAW, <http://law.pepperdine.edu/palmer/> (last visited Feb. 12, 2013) (describing how the Center for Entrepreneurship and the Law teaches and prepares students for work as a hybrid lawyer, business consultant, and financial strategist).

¹⁶⁸ See *Early History of Columbia College Law School*, COLUMBIA UNIV., L. SCH., http://library.law.columbia.edu/EarlyHistoryColumbiaLaw/index_page7.html (last visited Mar. 27, 2013) (an advertisement from 1860 announced a “course of study occup[ying] two collegiate years” for obtaining a “degree of L.L.B.” at the law school).

¹⁶⁹ Hazel Weiser, *More History of the Regulation of Legal Education So that We Understand Where We Are and How We Got Here*, SALT LAW BLOG (Nov. 3, 2011),

the exception of a few who allow the three years to be compressed into two.¹⁷⁰ It seems that each decade, however, brings a new call for reducing the number of years for a legal education.¹⁷¹ Most recently, Samuel Estreicher pressed the New York Bar to permit law students to sit for the bar exam after two years of law school and then, in his words, “as did President Franklin Delano Roosevelt and Justice Cardozo, practice law without a law degree.”¹⁷² Estreicher does not, however, tie the reduction in training to a particular area of expertise. Notably, California already permits individuals to take the bar exam without any years of law school.¹⁷³ And the concept of an accelerated law degree has met some resistance:

Critics question whether an expedited education will be a more efficient use of time and money for cash-strapped students or if it will churn out unprepared, inferior litigators with fewer job opportunities. “You want that other year because you will be a better lawyer for the next 50 years with that investment,” says Geoffrey Stone, law professor at the University of Chicago.¹⁷⁴

For students who enter law school knowing that they want to specialize in service to an unserved/underserved area, however, the concern about a reduction in schooling resulting in “unprepared, inferior” lawyers is ameliorated. Students pursuing a limited law license track could select specialized courses over two years leaving them more than adequately prepared to represent clients if law schools would offer this sort of targeted training. Indeed, were the two-year option available for areas of law

<http://www.saltlaw.org/blog/2011/11/03/more-history-of-the-regulation-of-legal-education-so-that-we-understand-where-we-are-and-how-we-got-here/>.

¹⁷⁰ See *id.* (“Northwestern University announced this summer that starting in May 2009, its law school will offer an accelerated J.D. program to be completed in two years instead of the traditional three.”); UNIV. DAYTON SCH. OF LAW, http://www.udayton.edu/law/academics/jd_program/two_year_program.php (last visited Mar. 20, 2013) (“The program allows [students] to begin law school in May and graduate two years later.”).

¹⁷¹ See, e.g., Robert A. Gorman, *Proposals for Reform of Legal Education*, 119 U. PA. L. REV. 845, 849 (1971) (“Unless legal education is drastically revamped to make the third year progressively illuminating and challenging . . . , I am convinced that law school could end after two years with no perceptible loss to students or the profession.”); David F. Cavers, *Restructuring Law School Education into a Two-Calendar-Year Format Would Provide Both Educational and Financial Advantages*, 66 A.B.A. J. 973 (1980) (renewing his doubts about the three-year degree “first expressed in . . . 1963” and proposing a two-calendar-year curriculum as a response to “the great increase in law school applications” and “the great inflation in law school student costs and in beginning lawyers’ earnings”).

¹⁷² Samuel Estreicher, *The Roosevelt-Cardozo Way: The Case for Bar Eligibility After Two Years of Law School*, 15 N.Y.U. J. LEGIS. & PUB. POL’Y 599, 610 (2012).

¹⁷³ See CAL. BUS. & PROF. CODE § 6060(e)(2)(B) (2012).

¹⁷⁴ Kristina Dell, *Fast-Tracking Law School*, TIME (July 23, 2008), <http://www.time.com/time/nation/article/0,8599,1825863,00.html>.

practice most in need of lawyers—domestic relations, housing issues, wills, elder care, and similar niches in underserved markets—some law applicants might be induced to provide services in areas where they otherwise would not have considered. If graduates of two-year programs holding limited law practice licenses in these markets began entering the marketplace in critical mass, information about legal rights and entitlements would become more readily available to those who need it most. To be effective, however, law schools must not only formulate the specialized curriculum but also engage in a coordinated effort with bar licensing authorities.

C. *Democratizing Legal Education with a Public Information Campaign*

In addition to individually incorporating elements of innovation and entrepreneurship into the curriculum and reducing education costs for limited license law practice in un(der)served areas, law schools should band together in support of a systematic public information campaign. A public information campaign is defined as:

[Using] the media, messaging, and an organized set of communication activities to generate specific outcomes in a large number of individuals and in a specified period of time. They are an attempt to shape behavior toward desirable social outcomes. To maximize their chances of success, campaigns usually coordinate media efforts with a mix of other interpersonal and community-based communication channels.¹⁷⁵

In other words, law schools should engage in what Daniel Pink calls “non-sales selling.”¹⁷⁶ The future market for legal services depends upon whether we have the “ability to move others to exchange what they have for what we have,” which, according to Pink, is not only the essence of “selling,” but also “crucial to our survival” and “fundamentally human.”¹⁷⁷

Yes, I think law schools should “sell.” And, of course, law schools have long sold themselves via statistics, marketing materials, and other efforts to entice students. Yet, law schools and lawyers typically eschew any advertising that might find its way to the general public, for fear that it could seem unprofessional or unseemly. It is time to remove the stigma

¹⁷⁵ JULIA COFFMAN, HARVARD FAMILY RESEARCH PROJECT, PUBLIC COMMUNICATION CAMPAIGN EVALUATION: AN ENVIRONMENTAL SCAN OF CHALLENGES, CRITICISMS, PRACTICE, AND OPPORTUNITIES 2 (2002), available at <http://www.hfrp.org/publications-resources/browse-our-publications/public-communication-campaign-evaluation-an-environmental-scan-of-challenges-criticisms-practice-and-opportunities>.

¹⁷⁶ PINK, *supra* note 30, at 3.

¹⁷⁷ *Id.* at 6.

from sales and embrace selling for what it is: a central source for information. Law schools should broaden their sales efforts beyond those who will fill their seats in order to nurture demand for services from those who do fill their seats. Law schools must recognize that imparting legal expertise simply is no longer sufficient to cultivate a rewarding and meaningful legal career. All the legal knowledge in the world is worthless if paying clients do not access it.

How might a public information campaign about law, lawyers, and legal services solve the delivery challenges identified earlier in this Article? I believe an enhanced public awareness about one's legal rights and entitlements, coupled with information about how to obtain an affordable, competent, and trustworthy lawyer, would go a long way towards resolving the delivery challenge. Of course it is impossible to predict with certainty the impact of a public information campaign on the market for legal services. But, we can look to examples from other professions as indicators.

Some may question whether a public information campaign can actually bring about meaningful change. Studies have shown that while "public information campaigns are difficult to mount successfully, [they] have been effective means of achieving diverse policy objectives."¹⁷⁸ A public information campaign holds the ability to impact the market for legal services in powerful ways:

First, public information campaigns can enhance the richness and fairness of the competition of ideas. . . . Second, public information campaigns can enrich the possibilities for democratic participation. Better-informed citizens may participate more knowledgeably and effectively in all democratic processes. . . . Third, public information campaigns can be effective in informing the least well-informed citizens, thereby reducing inequality in access to information. Some researchers have found that campaigns sometimes narrow the information advantage of the highly educated. . . . Fourth, public information campaigns can expand the citizen's horizons and imagination. They may treat citizens as partners in addressing collective problems and opportunities, and endorse the legitimacy of the citizen's understanding of his or her own circumstances.¹⁷⁹

The success of public information campaigns has been demonstrated in other fields. For example, "[m]ass media campaigns, because of their wide

¹⁷⁸ Janet A. Weiss & Mary Tschirhart, *Public Information Campaigns as Policy Instruments*, 13 J. POL'Y ANALYSIS & MGMT. 82, 83 (1994).

¹⁷⁹ *Id.* at 99.

reach, appeal, and cost-effectiveness, have been major tools in health promotion and disease prevention. They are uniformly considered to be powerful tools capable of promoting healthy social change.”¹⁸⁰ A close comparison for lawyers can be drawn from the field of psychology and mental health.

Psychologists, much like lawyers, have a longstanding image problem based upon a misunderstanding or lack of awareness of how a psychologist’s work could be relevant to an individual’s daily life.¹⁸¹ A number of studies conducted in the 1980s to “ascertain the public’s image of psychology . . . seemed to show that the public [was] somewhat aware of both the scientific and clinical work of psychologists; however, the public ha[d] virtually no understanding of the impact of psychology on their lives.”¹⁸² In order to combat this lack of understanding, as well as a stagnant marketplace for mental health services in the mid-1990s,

the APA Council of Representatives directed that a public information campaign be created to educate and inform consumers about the following: psychological care, research and services; the various roles of psychologists in public, private, and institutional health care; the education and training of psychologists; and the value of psychological interventions.¹⁸³

The first stage of this campaign

included both limited national advertising in three consumer magazines and extensive placements in all three types of media (television, radio, and print) in two test markets: Denver, Colorado, and Hartford, Connecticut. The rollout also included consumer communications in the form of an 800 telephone number, a consumer brochure, and a consumer information center located on the World Wide Web.¹⁸⁴

The campaign had an immediate impact in referral activity for psychological services.¹⁸⁵ This, and perhaps other similar initiatives, might

¹⁸⁰ Whitney Randolph & K. Viswanath, *Lessons Learned from Public Health Mass Media Campaigns: Marketing Health in a Crowded Media World*, 25 ANN. REV. PUB. HEALTH 419, 433 (2004).

¹⁸¹ Rhea K. Farberman, *Public Attitudes About Psychologists and Mental Health Care: Research to Guide the American Psychological Association Public Education Campaign*, 28 PROF. PSYCHOL.: RES. & PRAC. 128, 128 (1997).

¹⁸² *Id.* (internal quotation marks omitted).

¹⁸³ *Id.* (citations omitted) (internal quotation marks omitted).

¹⁸⁴ *Id.* at 135.

¹⁸⁵ *See id.* (explaining that, as a result of the campaign, over 4000 people requested literature or a psychological referral and 3000 people visited the campaign’s website during the first six months). “In

be part of the reason for the more favorable prediction by the Bureau of Labor Statistics Occupational Outlook Handbook for psychologists, which projects a 22% increase in psychologist jobs over the 2010–2020 decade—higher than the average for all occupations.¹⁸⁶

Educational institutions from other fields also have had success in these sorts of campaigns. For example, in 1988, the Harvard School of Public Health’s Center for Health Communication launched a national media campaign to promote the use of a designated driver.¹⁸⁷ Harvard worked with “leading television networks and Hollywood production studios . . . to promote an emerging social norm that the driver should abstain from alcohol.”¹⁸⁸ Over 160 entertainment programs and numerous public service announcements on all major broadcast networks featured the Center’s designated driver message.¹⁸⁹ According to a Gallup poll two months prior to the campaign, 62% of the respondents indicated use of a designated driver, but immediately following the campaign this percentage increased to 66%, and “[b]y mid-1989, it increased to 72%, a statistically significant increase compared to the precampaign figure.”¹⁹⁰

One twist on the public information campaign might come through massive, open online courses, otherwise known as MOOCs. MOOCs have become increasingly popular in recent years and hold enormous potential for offering the public information about the usefulness of hiring a lawyer. While “[m]illions of people signed up to take a free class from the top research universities and Ivy League schools in 2012, . . . some higher education leaders remain skeptical”¹⁹¹ and few law schools have stepped into the game.¹⁹² Other law educators have done so, however, including the Center for Computer-Assisted Legal Instruction, which held a MOOC

both Denver and Hartford, calls to the state psychological associations’ referral services went up dramatically during the 6 months of campaign activity.” *Id.*

¹⁸⁶ U.S. DEP’T OF LABOR, BUREAU OF LABOR STATISTICS, OCCUPATIONAL OUTLOOK HANDBOOK: PSYCHOLOGISTS, <http://www.bls.gov/ooh/life-physical-and-social-science/psychologists.htm> (last visited Feb. 16, 2013).

¹⁸⁷ JAY A. WINSTEN & WILLIAM DEJONG, *The Designated Driver Campaign*, in PUBLIC COMMUNICATION CAMPAIGNS 290 (Ronald E. Rice & Charles K. Atkin eds., 3d ed. 2001).

¹⁸⁸ *Id.*

¹⁸⁹ *Id.* at 291.

¹⁹⁰ *Id.* at 292.

¹⁹¹ Tyler Kingkade, *MOOC Skepticism Persists Among University Presidents, Despite Rapid Growth of Online Courses in 2012*, HUFFINGTON POST (Nov. 26, 2012, 1:12 PM), http://www.huffingtonpost.com/2012/11/26/moocs-skepticism_n_2191314.html.

¹⁹² See Laura Pappano, *The Year of the MOOC*, N.Y. TIMES, Nov. 4, 2012, at ED26 (“[S]o far most MOOCs are in technical subjects like computer science and math”); *UNC Joins Coursera with an Environmental Law MOOC*, FACULTY LOUNGE (Feb. 21, 2013), <http://www.thefacultylounge.org/2013/02/unc-joins-coursera-with-an-environmental-law-mooc.html> (noting that the newly announced Environmental Law and Policy MOOC to be taught by a University of North Carolina law professor “is one of a very small group of trailblazers”).

on Digital Law Practice in 2012, enrolling over 900 students.¹⁹³

Setting aside the role that MOOCs might play in the education of law students, the online platform holds tremendous potential for educating the public about legal services. “[A]nyone with an Internet connection” can take a course,¹⁹⁴ and companies like Coursera—“a social entrepreneurship company that partners with the top universities in the world to offer courses online for anyone to take, for free”¹⁹⁵—already have over 1.7 million students; they are “growing faster than Facebook.”¹⁹⁶

One law school acting in isolation is not enough. The network of American law schools spans across the nation from small university towns to large metropolitan cities. Law schools hold significant intrinsic reputational value that goes wasted when they fail to bridge this public education gap. Acting together through a unified information campaign, however, law schools could make a tremendous impact on the public’s understanding about law and legal services.

IV. CONCLUSION

The legal profession faces a delivery problem: we have failed to develop sustainable models for delivering legal services that are affordable, accessible, and, importantly, adopted by markets that utilize them on a consistent basis. Law schools are in many ways to blame for this failure because we have not trained our students in the skills necessary to invent new models for legal services or to reach untapped markets. Meanwhile, the legal profession also faces a matching problem: we struggle to pair appropriately qualified lawyers with clients who need them. These delivery and matching problems are not new, but they have become particularly acute given the recent convergence of economic pressures, global competition, and technological advances. Law schools excel at producing legal experts, but the delivery and matching problems faced by the profession remain largely ignored by legal education. We impart expertise, but omit the knowledge and skills needed to deliver that expertise to the unlaywered in this nation. Law schools hold the power to alter the employment prospects for law graduates over the coming years, but only if targeted action is taken to help the public understand and use legal services on a more widespread basis. An integral component of the solution to the delivery challenge lies in democratizing legal education.

¹⁹³ TOPICS IN DIGITAL LAW PRACTICE, <http://tdlp.classcaster.net> (last visited Feb. 12, 2013); see also CALI, *Topics in Digital Law Practice MOOC 2012*, YOUTUBE, <http://www.youtube.com/playlist?list=PL64F9A0FF18020420> (last visited Feb. 11, 2013) (providing access to the nine videos in the MOOC).

¹⁹⁴ Pappano, *supra* note 192.

¹⁹⁵ *Our Vision*, COURSERA, <https://www.coursera.org/about> (last visited Feb. 11, 2013).

¹⁹⁶ Pappano, *supra* note 192 (internal quotation marks omitted).

This Article calls upon law schools to champion the endeavor by offering opportunities in entrepreneurship and innovation to students, reducing costs for limited license law practice in unserved/underserved areas, and banding together to conduct a widespread public information campaign to encourage access to legal services.