

An Affair to Forget: Law School's Deleterious Effect On Student's Public Interest Aspirations

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I. INTRODUCTION

In its annual survey of graduating law students, the National Association for Law Placement (NALP) polled 91.3 percent of the 2005 JD graduates regarding their initial type of employment following graduation.¹ NALP's survey found that, while 55.8 percent of all graduates were initially employed in private practice, only 4.8 percent worked in the public interest sector following their graduation from law school.² As various studies undertaken during the past thirty years have shown, although a great deal of these graduates entered law schools with aspirations of engaging in public interest work following graduation, few actually do so.³ Craig Kubey's survey of the class of 1975 at the University of California, Davis School of Law, found that "[t]he proportion of students who expected to be working as 'movement,' 'poverty,' or 'public interest' lawyers one year after graduation dwindled from 37 percent as first-year students to 22 percent as members of the third-year class."⁴ In Robert Stover's 1977 seminal study of the entering class at the University of Denver Law School, 33 percent of students in their first months of school, identified public interest jobs as most preferable for initial full-time employment following graduation.⁵ By the last quarter of their law school career, only half of these students ranked a public interest job as most preferable.⁶ In a 1986 poll of first-year Harvard Law students, 70 percent indicated a desire to practice public-interest law.⁷ By their final year of law

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¹ NALP, CLASS OF 2005 SELECTED FINDINGS 1 (NALP 2006), http://www.nalp.org/assets/316_ssselectedfindings05.pdf. Participating in the study was a total of 177 of the 188 ABA law schools accredited at the time of the study. These schools provided data on 38,951 graduates, which represents 91.3 percent of all graduates.

² *Id.*

³ Richard L. Abel, Colloquium, *Choosing, Nurturing, Training, and Placing Public Interest Law Students*, 70 FORDHAM L. REV. 1563, 1563, 1566 (2002).

⁴ Craig Kubey, *Three Years of Adjustment: Where Your Ideals Go*, 6 JURIS DR. 11, 34 (1976).

⁵ ROBERT STOVER, MAKING IT AND BREAKING IT: THE FATE OF PUBLIC INTEREST COMMITMENT DURING LAW SCHOOL 3 (Howard S. Erlanger ed., Univ. of Ill. Press 1989).

⁶ *Id.* at 3.

⁷ RICHARD D. KAHLENBERG, BROKEN CONTRACT: A MEMOIR OF HARVARD LAW SCHOOL 5 (1992); Ralph Nader once voiced a similar opinion, remarking that "[i]t is not easy to take the very

school, most students expected to work in a large private law firm.⁸ Such a sentiment was echoed in a 1997 survey of the University of Michigan Law School's minority and white graduates, which concluded that the most sought jobs by American law school graduates are those in large private firms.⁹

Various explanations have been suggested for this trend. Perhaps the most popular explanation bandied about in literature today rests on the notion that the ever-expanding cost of attendance for law school, coupled with an increase in federal, state, and institutional financial aid has resulted in unprecedented amounts of debt for law school graduates.¹⁰ In light of massive debt, the stark contrast in starting salaries for public interest as opposed to large firm employment makes students more likely to pursue the corporate route.¹¹ Thus, this prominent theory posits that it is debt that is the major reason for students' choice to abandon an initial desire to practice public interest law by graduation.

This article critically evaluates the proposition that law school debt is the cause of law student's waning commitment to public interest law during their time in law school. Part II analyzes whether a correlation exists between law school debt and students' desire to enter the public interest law arena. Comparing the initial employment of graduating law students during 1993–2001 with the substantial law school debt increase during that same period, and surveying various studies upon the subject, Part II suggests that no discernible decrease in the amount of law students entering public interest followed. Having found little or no correlation between law school debt and commitment to public interest, Part III highlights the explicit and implicit effect law schools and their faculty have upon their students' commitment to public interest. Explicitly, law school faculty often portray a negative image of public interest careers, prompting their students away from such careers. Implicitly, the overrepresentation of faculty members who initially worked in large private firms following law

bright young minds of a nation, envelop them in conceptual cocoons and condition their expectations of practice to the demands of the corporate firm. But this is what Harvard Law School did for over a half century to all but a resistant few of the 40,000 graduates." Kubey, *supra* note 4, at 34.

⁸ KAHLENBERG, *supra* note 7, at 5.

⁹ Richard O. Lempert, David L. Chambers & Terry K. Adams, *Michigan's Minority Graduates in Practice: The River Runs Through Law School*, 25 LAW & SOC. INQUIRY 395, 424 (2000).

¹⁰ Christa McGill, *Educational Debt and Law Students Failure to Enter Public Service Careers: Bringing Empirical Data to Bear*, 31 LAW & SOC. INQUIRY 677, 677–78 (2006).

¹¹ See Robert Granfield & Thomas Koenig, *The Fate of Elite Idealism: Accommodation and Ideological Work at Harvard Law School*, 39 SOC. PROBS. 315, 320 (1992) (For their study, Granfield and Koenig surveyed a random sample of students at Harvard Law School in 1987. At the time of their survey, the average Harvard law student amassed a debt of "\$30,000 while in law school."); For the 2007–2008 term, tuition at HLS was \$39,325. Harvard Law School, *Frequently Asked Questions About J.D. Admissions*, <https://www.law.harvard.edu/admissions/jd/apply/jdfaq.php> (last visited Feb. 9, 2008).

school compels law students to abandon their initial public interest leanings over the course of their law school careers.

II. LAW SCHOOL DEBT AS A CATALYST FOR A TURN AWAY FROM PUBLIC INTEREST

In November 2002, Equal Justice Works, NALP, and the Partnership for Public Service issued *From Paper Chase to Money Chase: Law School Debt Diverts Road to Public Service* (“*From Paper Chase*”), a report focusing on how the ensuing debt from rising law school tuition fees has narrowed public service options available to law school graduates.¹² Surveying third-year students at 117 of the 184 American Bar Association (ABA) approved law schools, the report found that law school debt prevented 66 percent of the respondents from considering a public interest or government job.¹³ The report also determined that between 1991 and 2001 starting salaries in private practice increased 80 percent (from \$50,000 to \$90,000) while public interest salaries increased a mere 37 percent (from \$25,500 to \$35,000).¹⁴ Based on these findings, the report concluded that the pressures of mounting law student debt coupled with the comparatively lower salaries available to public interest and government employees, has constrained debt ridden law students from pursuing such positions.¹⁵

Such a conclusion was echoed a year later in the ABA’s 2003 *Lifting the Burden: Law Student Debt as a barrier to Public Service: The Final Report of the ABA Commission on Loan Repayment and Forgiveness* (*Lifting the Burden*).¹⁶ The report reasoned that the increasing cost of tuition and the attendant rise in student debt has meant that even those graduates with the strongest commitment to public service have moved away from careers in the field, given that a third or more of their monthly income from such jobs will go towards debt repayment.¹⁷

While the methodology of both of these studies have been soundly criticized elsewhere for having relied on an unrepresentative sample,¹⁸ the

¹² EQUAL JUSTICE WORKS, NALP, & THE PARTNERSHIP FOR PUBLIC SERVICE, *FROM PAPER CHASE TO MONEY CHASE: LAW SCHOOL DEBT DIVERTS ROAD TO PUBLIC SERVICE* (2002), <http://www.equaljusticeworks.org/files/lrapsurvey.pdf> [hereinafter EQUAL JUSTICE WORKS].

¹³ *Id.* at 6, 13.

¹⁴ *Id.* at 14.

¹⁵ *Id.* at 38.

¹⁶ ABA, *LIFTING THE BURDEN: LAW STUDENT DEBT AS A BARRIER TO PUBLIC SERVICE: THE FINAL REPORT OF THE ABA COMMISSION ON LOAN REPAYMENT AND FORGIVENESS* (2003), <http://www.abanet.org/legalservices/downloads/lrap/lrapfinalreport.pdf>. [hereinafter LIFTING THE BURDEN]

¹⁷ *Id.* at 14.

¹⁸ Such a task was done to great effect in Christa McGill’s *Educational Debt and Law Students Failure to Enter Public Service Careers: Bringing Empirical Data to Bear*. McGill, *supra* note 10, at 680. McGill points out that although *EQUAL JUSTICE WORKS* was “based on survey responses from

studies' general conclusion that debt plays some role in pushing law students away from a career of practicing public interest law seems to have a great deal of intuitive pull. The more one owes, the more one will want to make in order to pay off this debt. Becoming aware of the now almost four to one salary ratio between a job at a large private law firm and a job in public interest,¹⁹ an indebted law student may turn to the higher paying job, reasoning that it will allow him or her to pay their debt faster.

If debt plays as large a role in reducing a student's commitment to the pursuit of a job in the public interest, as the NALP and ABA reports suggest, one would expect the percentage of law students initially employed in the public interest after law school to greatly diminish as law school debt increased. In other words, an inverse correlation between law school debt and law student employment in public interest would exist. Such a correlation, however, is not apparent. Taking the years of 1993 and 2000, one finds that law school tuition increased by 48 percent at private schools and by 76 percent at public schools.²⁰ As a result of these mounting tuition costs, the median educational debt for graduating law students between 1993 and 2000 increased 59 percent (more than \$30,000) to \$84,400.²¹ NALP found that 2.3 percent of 1993 law school graduates

third-year law school students in class of 2002 from 117 law school" only 1,622 out of the 37,900 qualifying students responded. *Id.* "Such a low response rate [slightly more than 4 percent] virtually assures that the sample is not a representative of the law student population." *Id.* After all, as McGill reasons, "it is quite possible that students who actually had decided against public interest careers due to concerns about the ability to pay off their debts were considerably more likely to respond to the survey than was the general population of law students." *Id.* Finally, McGill finds that "the debt figures cited in the report [*EQUAL JUSTICE WORKS*, *supra* note 12] are estimates based only on a subset of all those who borrowed while in law school – those students who borrowed their full eligibility in Federal Stafford/Direct loans plus a private loan (Law Access Loan) from Access Group, Inc." *Id.* Such subset represents "the most indebted students, those needing both federal and private loan funding." *Id.* Therefore, the 66 percent figure cited in [*EQUAL JUSTICE WORKS*, *supra* note 12] may be inaccurately high. As for the ABA's *LIFTING THE BURDEN*, *supra* note 16, McGill finds the study problematic since the "only piece of data that linked debt to student career decisions...was from the *EQUAL JUSTICE WORKS*, *supra* note 12 study—that debt kept 66 percent of students from considering public interest careers." *Id.*

¹⁹ In 2007, many law firms increased the starting salary of their first-year associates to \$160,000. See *In the Law-Firm Pay Race, Who's Really Ahead?*, N.Y. TIMES, Feb. 8, 2007, available at <http://dealbook.blogs.nytimes.com/2007/02/08/in-the-law-firm-pay-race-whos-really-ahead/>; Compare this with the \$36,000 starting salary of a first-year attorney at a public interest organization. See NALP, Public Interest and Government Salaries, <http://www.nalp.org/content/index.php?pid=192> (last visited May 7, 2007) (concluding that in 2002, the majority of starting entry level attorneys in public interest and state government (68.1%) earn less than \$36,000).

²⁰ *EQUAL JUSTICE WORKS*, *supra* note 12, at 13; Such a trend continues today. As an illustration take the case of the UCLA School of Law. From 2003 to 2006, tuition moved from \$17,012 to \$25,457. See e.g., Brian Leiter, *Law Schools with Largest 10-Year Tuition Hikes*, LEITER REPORTS: A PHILOSOPHY BLOG, Jan. 17, 2005, http://leiterreports.typepad.com/blog/2005/01/law_schools_wit.html (identifying the ten public law schools with the largest tuition increase); UCLA School of Law, Tuitions and Fees, <http://www.law.ucla.edu/home/index.asp?page=1712> (last visited Feb. 10, 2008) (noting that UCLA law school increased its fall in-state tuition \$26,856 to \$27,056 between 2006–2007).

²¹ *EQUAL JUSTICE WORKS*, *supra* note 12, at 13

were initially employed in public interest positions following law school and 57.1 percent were employed in private practice;²² however, no dramatic shift in initial employment surfaced in NALP's survey of the class of 2000.²³ Rather than decreasing, the percentage of law graduates initially employed by a public interest type employer increased to 2.7 percent, with 54.8 percent of the class of 2000 being initially employed in private practice.²⁴

The notion that there exists little or no correlation between debt and job choices has been reported elsewhere. In his study of nine law schools, David Chambers ultimately found that "educational debt does seem related to job choice," albeit "mildly and weakly."²⁵ Studying a random sample of 1987 Harvard Law students, Granfield and Koenig found that although "Fifty-eight percent of the respondents mentioned the necessity of repaying educational loans as an important consideration in making their job decisions . . . there does not appear to be any correlation between the amount of money law students owe and their occupational decisions."²⁶ They concluded that all that could be said about the effect of law school debt on Harvard law students was that it weighed heavily on their minds and provided many with a rationale for seeking employment in large commercial law firms.²⁷ More recently, using statistical tests on the career choices of 2002 law school graduates and survey data tracking individual law students who entered law school in the fall of 1991, Christa McGill found "little connection between debt and the choice to enter public service."²⁸

As a comparison of employment patterns show, debt is not the main culprit for law students' shift away from public interest positions. Such a comparison highlights the fact that the great rise in tuition of the 1990's did not result in a dramatic decrease in initial employment in public interest. Rather, the percentage of students embarking in careers in public interest following graduation remained consistent throughout the period. Therefore, student debt is not the best explanation for law students' shift away from initial intentions of practicing in the public interest.

²² NALP, CLASS OF 1993 EMPLOYMENT REPORT AND SALARY SURVEY 15 (1993).

²³ NALP, JOBS & J.D.'S: EMPLOYMENT AND SALARIES OF NEW LAW GRADUATES: CLASS OF 2000 13 (2001).

²⁴ *Id.*

²⁵ David Chambers, *The Burdens of Educational Loans: The Impacts of Debt on Job Choice and Standards of Living for Students at Nine American Law Schools*, 42 J. LEGAL EDUC. 187, 199 (1992).

²⁶ Granfield & Koenig, *supra* note 11, at 320.

²⁷ *Id.*

²⁸ McGill, *supra* note 10, at 684, 692, 704.

III. EXPLICIT AND IMPLICIT CAUSES OF DECLINING LAW STUDENT COMMITMENT TO CAREERS IN PUBLIC INTEREST

In concluding that educational debt correlates weakly with job choice, Chambers observes that the correlation between the two is much weaker than some other factors, which correlate more strongly with job choice.²⁹ In his study, Chambers notes two important findings. First, a correlation exists between higher grades and the probability of a student taking or expecting to take a job at a large law firm.³⁰ Second, the greater the number of firm interviewers on campus, the more likely a student is to take a job with a large firm versus public interest work.³¹ In addition to these factors, there is strong evidence that two other, often overlooked influences play a large role in law students' desire to practice in the public interest following graduation. These are the explicit and implicit effects that a law school faculty and its curriculum have upon students' view of practicing public interest law.

Law school faculty often explicitly convey a negative view of what it means to practice public interest law to their students. As Duncan Kennedy points out in *Legal Education as Training for Hierarchy*, "[a] surprisingly large number of law students go to law school secretly wishing that being a lawyer could turn out to mean something more, something more socially constructive than just doing a highly respectable job."³² In determining where to seek employment following graduation, students feel that there is no real alternative to accepting a job with a firm that regularly hires from their school.³³ Kennedy believes that this is due to law school faculty, who "generate this sense of student helplessness by propagating myths about the character of the different kinds of practice."³⁴ In discussing or referencing legal services for the poor and neighborhood practices, for example, faculty may indicate that while morally respected, such work is boring, unchallenging, and, less prestigious financially.³⁵

In addition to its explicit effects, numerous commentators have reasoned that law school compels students to drift away from an initial desire of practicing public interest law through the implicit effect of its curriculum. Daniel B. Rodriguez suggests that "[t]he modern law school curricula steers students away from public interest law practice" by failing

²⁹ Chambers, *supra* note 25, at 199–200.

³⁰ *Id.* at 200.

³¹ *Id.* at 201.

³² Duncan Kennedy, *Legal Education as Training for Hierarchy*, in *THE POLITICS OF LAW* 54, 55 (David Kairys ed., 3rd ed. 1998).

³³ *Id.* at 64.

³⁴ *Id.*

³⁵ *Id.*

to expose them to the skills necessary to practice public interest law.³⁶ He argues that public interest law requires knowledge and expertise regarding legislative politics, administrative law, and prolix codes.³⁷ Law school curriculum's emphasis on the case method means that only common law and private law receive much attention (with most law schools focusing the bulk of their courses on corporate law).³⁸ Those courses which do highlight the necessary expertise for practicing public interest law, such as administrative law, legislation, state and local law, and specialized regulatory subjects, become nothing more than "boutique offerings."³⁹ As for courses specifically geared towards public interest law, such courses are quite scarce and appear only sporadically, often surviving for only a short time.⁴⁰

In addition to failing to engender the legal skills necessary to practice public interest law, the value-free approach of the curriculum used by law schools results in law students' negative views of working for the poor, or the perception that such careers are a lesser choice.⁴¹ Law schools often teach legal skills in the absence of any discussion regarding equity, fairness, or the possible result of their application in people's lives. The case-analysis method of teaching law separates legal thinking from larger societal values. This results in an artificial separation of the practice of law from the actual administration of justice.⁴² Gerald P. Lopez echoes this analysis, remarking that by treating "people-their traditions, their experiences, their institutions—as essentially generic" the law school curriculum "declares, at lest tacitly, that who particular people are—how they live, how they struggle, how they suffer . . . and how they relate to conventional governmental and corporate power—either need not be taken into account or may be treated as a fungible matter in training lawyers."⁴³

Cognizant of this effect of curriculum upon law students, Northeastern University School of Law explicitly set about to mold a different law school experience. In the school's statement of purpose, outlined in a 1970 program catalog, the purpose of the school is described as being "to train lawyers who meet the challenges and obligations cast upon the profession

³⁶ Daniel B. Rodriguez, *Summit: Taking the Offensive: Foreword: Public Interest Lawyering and Law School Pedagogy*, 40 SAN DIEGO L. REV. 1, 2 (2003).

³⁷ *Id.*

³⁸ Jill Chaifetz, *The Value of Public Service: A Model for Instilling a Pro Bono Ethic in Law School*, 45 STAN. L. REV. 1695, 1698 (1993).

³⁹ Rodriguez, *supra* note 36, at 2.

⁴⁰ Gerald P. Lopez, *Training Future Lawyers to Work with the Politically and Socially Subordinated: Anti-Generic Legal Education*, 91 W. VA. L. REV. 305, 352 (1989).

⁴¹ Chaifetz, *supra* note 38, at 1698.

⁴² *Id.*

⁴³ Lopez, *supra* note 40, at 343.

by contemporary society.”⁴⁴ It then points out that the “school was founded on the conviction that traditional legal education inadequately approaches this goal, and that law schools have not altered their programs quickly enough to match the pace on the world and national scene.”⁴⁵ What is particularly interesting is the statement’s pointed criticism of the day’s typical law school curriculum.

The most frequently noted shortcoming of traditional law school education is the absence of practical training.⁴⁶

Even more serious is the failure of law school curriculum to reflect a genuine concern for the urgent problems of American society. Although our society leans heavily upon lawyers for solutions to its social, economic and political problems, the narrow training afforded by a conventional curriculum does not equip the lawyer for these tasks. To a remarkable degree, the typical course of studies appears to be based upon the narrow assumption that most graduates seek to enter very law firms where they are likely to work chiefly on the problems of large corporations and financial institutions.⁴⁷

Coupled with this rejection of the traditional law school curriculum was Northeastern’s marked shift away from the traditional law school, ostensibly neutral, stance towards students’ future careers. The school viewed its role as consistent with 1960’s social values prioritizing service to the poor and oppressed minorities.⁴⁸ For example, students in land ownership and use courses studied “socialist conceptions of property.”⁴⁹ In torts students explored the availability of remedies for “wrongful conduct against disadvantaged persons.”⁵⁰ On a broader level, students considered the “economic and social realities” of “current proposals for social distribution of losses.”⁵¹ This focus continues at Northeastern today.⁵²

⁴⁴ ROBERT GRANFIELD, *MAKING ELITE LAWYERS: VISIONS OF LAW AT HARVARD AND BEYOND* 172 (Routledge, Chapman and Hall, Inc. 1992).

⁴⁵ *Id.* at 172–73.

⁴⁶ *Id.* at 173.

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ *Id.* at 174.

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² David Hall, *The Law School’s Role in Cultivating a Commitment to Pro Bono*, 42 B. B.J. 4, 20 (1998). In 1998, the Dean of Northeastern University School of Law stated that Northeastern’s “emphasis on social justice serves to remind us that the legal system and the profession have been instruments through which many injustices have been created and maintained.”

Despite a curriculum tailored towards sustaining its students' commitment to public interest, Northeastern has not been able to escape the employment patterns found at other traditional law schools. Seventy-three percent of first-year students at Northeastern reported being oriented toward non-corporate style forms of legal practice, with most indicating a likely future in public interest law.⁵³ This is hardly surprising given Northeastern's stated goal of producing "cause lawyers."⁵⁴ However, by their third year of law school, 71 percent of students responded their most likely and immediate future law practice would be in large commercial firms.⁵⁵ The employment statistics for Northeastern's class of 2005 reflect a similar pattern, with 46 percent being initially employed in law firms and only 16 percent being initially employed in public interest.⁵⁶ This reflects a moderate improvement over employment patterns for the class of 2005 at all law schools, where 55.8 percent were initially employed in private practice versus 4.8 percent in public interest.⁵⁷

Some have posited that the decrease in desire of Northeastern's students to pursue a public interest career stems from the faculties' continued adherence to conventional legal teaching methods.⁵⁸ In order to maintain its legitimacy, they contend, the school pursued traditional case-method pedagogy, including developing arguments and suppressing social justice issues.⁵⁹ However, a better explanation for this trend lies in the composition of Northeastern's faculty. While Northeastern was able to break away from the traditional law school curriculum mold, by making a concerted effort to expose its students to public interest law and social justice generally,⁶⁰ it was not able to escape the clutches of typical faculty hiring practices. The result of such practices are law schools staffed by professors who graduated from a few elite law schools and have private firm experience.⁶¹ Their backgrounds affect both teaching methods and the message sent to students regarding the value of public interest law.

Generally speaking, in looking for new members of their faculty, law schools tend to prioritize those candidates with high grades from highly ranked law schools. Studies of the composition of law school faculties over

⁵³ GRANFIELD, *supra* note 44, at 186–87.

⁵⁴ AUSTIN SARAT & STUART SCHEINGOLD, CAUSE LAWYERS AND SOCIAL MOVEMENTS 55 (2006).

⁵⁵ GRANFIELD, *supra* note 44, at 187–88.

⁵⁶ Northeastern University School of Law: Quick Facts 2006–2007, at <http://www.slw.neu.edu/general/glance.htm> (last visited Feb. 20, 2008) (the rest of the class was broken down in the following sectors: judicial clerkships (14%), government (9%), business (11%), academic (1%), non-legal (3%)).

⁵⁷ NALP, *supra* note 1.

⁵⁸ See generally GRANFIELD, *supra* note 44.

⁵⁹ *Id.* at 56.

⁶⁰ See, GRANFIELD, *supra* note 44 at 174.

⁶¹ See Richard E. Redding, "Where Did You Go To Law School?" *Gatekeeping for the Professoriate and its Implications for Legal Education*, 53 J. L. Educ. 594, 596 (2003).

the last twenty-five years have found that “about 60 percent of law teachers graduated from twenty elite law schools, with the largest number graduating from Harvard or Yale.”⁶² One study examining the background characteristics of tenured and tenured-track professors in 1988 found that one-third of them had graduated from one of five law schools (Harvard, Yale, Columbia, Chicago, and Michigan).⁶³ In a more recent study of those entering law teaching between 1996 and 2000, Richard E. Redding arrives at similar findings, concluding that based on his results, “the prototypical new law teacher graduated from an elite school (most often from Harvard or Yale).”⁶⁴

Having attended elite law schools, faculty are also more likely to have private-practice backgrounds. The great availability of corporate law firm jobs at elite law schools has resulted in many graduates seeking employment in these firms.⁶⁵ A survey of 50 percent of Harvard Law students in 1987 observed that almost all third-year students were preparing to join corporate law firms upon graduation.⁶⁶ Another study confirms that prior to teaching the prototypical new professor practiced for several years, often in a firm or as corporate counsel.⁶⁷ Out of all new law professors hired between 1996 and 2000, the professional experience of 44.7 percent included practice in a firm, solo practice, or corporate counsel setting.⁶⁸ Given the paucity of graduates from all law schools entering the public interest field, it is not surprising that few law professors hold such experience. In fact, just 4.7 percent had any kind of public interest legal experience.⁶⁹ Similarly, a 1988 sample of tenured and tenured track professors indicated that only 14.4 percent had any kind of public interest experience.⁷⁰

The faculty at Northeastern University School of Law is not an exception to these trends. For the 2006–2007 term, out of the school’s thirty-eight total professors, seventeen attended one of five elite law schools (Harvard, Yale, Columbia, Chicago, and Michigan).⁷¹ Another three received their LLM or SJD from Harvard.⁷² Two professors

⁶² Redding, *supra* note 61, at 596.

⁶³ Robert J. Borthwick & Jordan R. Schau, *Gatekeepers of the Profession: An Empirical Profile of the Nations Law Professors*, 25 U. MICH. J.L. REFORM 191, 194 (1991).

⁶⁴ Redding, *supra* note 61, at 596.

⁶⁵ Granfield & Koenig, *supra* note 11, at 318.

⁶⁶ *Id.*

⁶⁷ Redding, *supra* note 61, at 596.

⁶⁸ *Id.* at 596, 601.

⁶⁹ *Id.* at 601.

⁷⁰ Borthwick & Schau, *supra*, note 63 at 224.

⁷¹ See Northeastern University School of Law, Faculty Biographies, <http://www.slw.neu.edu/faculty/faculty.htm> (last visited Feb. 19, 2008). Since other studies have relied on professors (whether tenured or tenured track), I chose to do the same and disregarded adjunct professors.

⁷² *Id.*

graduated from Georgetown or Duke.⁷³ Most of the rest of the faculty attended Northeastern itself, or one of the other local Boston-area law schools (Boston University and Boston College).⁷⁴ As for initial employment, while some members spent time working in various public interest organizations or government, twenty members of the Northeastern faculty were initially employed in a large firm.⁷⁵ Thus, despite the school's conscious tilt toward public interest, the majority of the school's current faculty comes from a corporate law firm setting. The disproportionate representation of faculty who began their legal careers at a law firm is a cause of the continuing trend of precipitous student retreat from public interest over the course of their time in law school, not only at Northeastern, but at other law schools across the country.

Law professors provide the only training experience common to all future attorneys. As such, the control they exert over the profession is immense.⁷⁶ Employing many law professors who share similar legal practice and educational experience results in a similarity of thought regarding law and legal education. The ABA noted that one effect of such an "inbred system" would be "a form of legal education that serves large firms and their corporate clients better than it does the lawyers who handle the personal legal problems of average people."⁷⁷ Perhaps most importantly, law students who might be grasping for something to mold their nascent legal careers on often turn to their professors. A professor may be the first lawyer that a student has had extensive contact with. And, although many professors began their career with a short stint at a law firm only to move onto jobs in the government or a nonprofit organization, the implicit message to students remains the same – that the safest route to a successful legal career begins at a law firm. Even those students who are not inclined to practice in a large firm might reason that such a brief stop as a law firm associate is necessary to get to their desired career destination.

IV. SOLUTIONS

Despite their prevalence, these trends and their outcomes are not irreversible. The result of a concerted effort to think beyond tradition at

⁷³ *Id.*

⁷⁴ *Id.*

⁷⁵ *Id.* I arrived at this number by looking at the faculty biographies of all of Northeastern's professors available at the school's website and any link to an available curriculum vitae. It must be pointed out that this number might potentially be higher since a few of the faculty biographies were quite sparse and did not include a link to any available curriculum vitae.

⁷⁶ See, Borthwick & Schau, *supra* note 63, at 193.

⁷⁷ Redding, *supra* note 61, at 607 (citations omitted).

law schools may be seen in the recent modest surge in minority hiring.⁷⁸ The beneficial effects of these changes are being recognized by the legal education community.⁷⁹ Courses on topics which had been overlooked, such as feminist jurisprudence and critical race studies, began to be offered following the surge in positions offered to minorities.⁸⁰ Furthermore, by “bringing new voices and fresh approaches to [traditional] pedagogy, doctrine, and legal reform,” minority professors raised concerns about “how the Socratic method and the adversary system of justice may disadvantage women and minorities.”⁸¹ It is conceivable that an increase in hiring of those with public interest experience would have a similar ameliorative impact on the field of public interest. Such representation might present impressionable students with greater diversity in role models. As a result, many students might shift away from the notion that the safest route to success begins at a large firm.

As more and more attention becomes directed at the nexus between law school debt and commitment to public interest among law students, schools have turned to various strategies. Some have instituted Loan Repayment Assistance Programs.⁸² Others have put in place programs to allow loan forgiveness for those who pursue careers in public interest.⁸³ Such strategies might not be the envisaged panacea. Rather, in attempting to find a cure for this problem, law schools might be best served turning to their hiring practices.

⁷⁸ *See, Id.* at 606.

⁷⁹ *Id.*

⁸⁰ *Id.*

⁸¹ *Id.*

⁸² *See*, Peter Wilkniss, *Law Schools Loan Repayment Assistance Programs*, THE VAULT, http://www.thevault.com/studentloans/articles.jsp?type=3&ch_id=350&article_id=26403919&cat_id=3031&listelement=1 (last visited Feb. 19, 2008).

⁸³ *See generally*, LIFTING THE BURDEN, *supra* note 16.