

# THE LAW SCHOOL CHALLENGE

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## I. INTRODUCTION

Legal education institutions are currently facing a serious challenge from the declining number and quality of applicants. Law school applications dropped twelve percent nationally between 1982 and 1984.<sup>1</sup> The quality of applicants as measured by the Law School Admissions Test (LSAT) and grade point average (GPA) also was proportionately lower.<sup>2</sup> The size of the entering class, however, declined only three percent over the same period of time.<sup>3</sup> Thus, the academic quality of the class of 1984 was sta-

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<sup>1</sup> See Vernon and Zimmer, *The Demand for Legal Education: 1984 and the Future*, 35 J. LEGAL EDUC. 261, 261 (1985).

<sup>2</sup> *Id.* at 265.

<sup>3</sup> *Id.* at 261.

tistically not as good as that of the 1982 class.<sup>4</sup> The application drop continued in 1985, with applications down six and one-half percent from the already deflated 1984 level.<sup>5</sup> The factors contributing to this reduction are uncertain. In addition, there is no consensus as to the likelihood or extent of future decline. Like law schools, other professional schools also have experienced decreased numbers of applications in recent years.<sup>6</sup>

In view of the steep decline and the future uncertainty in this area, it is important to assess the state of planning now being considered by the legal education community in order to combat this problem. As early as 1980, the Association of American Law Schools (AALS) and the Law School Admission Council (LSAC) Joint Committee predicted that applications would decrease in the 1980's and made recommendations to law schools for action to deal with this potential decline.<sup>7</sup> The law school community through its national associations has had some dialogue on the subject, but some questions remain: how much the individual schools have actively planned for this decline?; what steps, if any, have the law schools taken in response to this decline?

In search of answers to these questions, the authors of this article surveyed the 174 American Bar Association (ABA) accredited law schools in May of 1985. Responding schools were promised and received anonymity. The survey was intended to assess generally the activity of law schools during this turbulent period. It was designed to be a concise and manageable survey in order to encourage completion and provide a basis for summarizing the results. A follow-up request was sent two weeks after the initial mailing. The response was substantial, with almost three-fourths of the schools (128 of 174) replying. The high rate of response may reflect a concern by law schools about the decline in law school applications.<sup>8</sup> Law school applicants may prefer one school over another for a variety of reasons, including the perceived quality of the institution. The survey treated all law

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<sup>4</sup> *Id.* at 265.

<sup>5</sup> Law School Admissions Council and Law School Admissions Service, *LAW SCHOOL ADMISSION DATA BULLETIN* 7 (Oct. 1, 1985).

<sup>6</sup> Vernon and Zimmer, *supra* note 1, at 277-78.

<sup>7</sup> Association of American Law Schools and Law School Admission Council, *Report of Joint Committee on the Demand for Legal Education in the 1980s*, 1 (July 10, 1980) [hereinafter *Report of Joint Committee*].

<sup>8</sup> The survey response was high in comparison to past surveys of ABA approved law schools. For example, when Dean Monk surveyed ABA law schools on faculty retreats, he received only a 42% response (71 replies from 170 schools). See Pedrick, *The Law Faculty Retreat: Path to Victory?*, 35 *J. LEGAL EDUC.* 88 (1985).

schools equally and did not attempt to distinguish schools based on quality. The authors of this article recognize that law schools are not all equal and that they differ in many ways, from a top rated law school to a proprietary school formed in order to take advantage of the booming attorney demand of the 1970's.<sup>9</sup> Except for relatively few schools at either end of the spectrum, no consensus exists on the quality of law schools or how to measure such quality.<sup>10</sup> Due to the large survey response, however, the responding schools probably represent a fair sample of all levels of quality.

## II. SURVEY FORMAT

Survey question 1 (a-z) posed questions concerning the decline in applications to law schools. The questions could be answered either "yes" or "no."<sup>11</sup> Item 2 (a-e) of the survey was a background question to determine the distribution characteristics of the respondents (*i.e.*, public/private school, location, size).<sup>12</sup> Question 3 (a-d) sought an assessment of any change in class and faculty size, physical facilities, and graduate legal education in the 1970's.<sup>13</sup> Question 4 (a-c) asked about the change in the number of applications in the 1980's.<sup>14</sup> Question 5 solicited any general comments.<sup>15</sup> The survey respondents were divided in terms of public and private schools, location, and total enrollment.

## III. SURVEY RESULTS

### A. General Results—All Schools:

The 1980's find many schools facing no growth, fixed revenues, and an uncertain future demand. The heart of this survey, question 1, assesses specific actions taken by the law schools during this turbulent period. The replies may signal the level of law

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<sup>9</sup> The proprietary schools, as late comers, have limited resources, probably have not met ABA accreditation requirements and, consequently, are not included in this survey.

<sup>10</sup> Vernon and Zimmer, *supra* note 1, at 262.

<sup>11</sup> Survey of American Bar Association Accredited Law Schools by Professors Doris Y. Alspaugh and Virginia V. Shue, University of San Diego School of Law (1986) at question 1 (*see infra* appendix for complete survey and results) [hereinafter Survey].

<sup>12</sup> Survey, *supra* note 11, at question 2.

<sup>13</sup> *Id.* at question 3.

<sup>14</sup> *Id.* at question 4.

<sup>15</sup> *Id.* at question 5.

school response to the uncertainty. A school, of course, may have taken some of these actions without having had any application decline. For example, redefining the school's purpose (question 1-b) is, arguably, a part of any ongoing planning process. Although no cause and effect relationship can be proven between any of the question 1 items and the decline in demand, some actions almost certainly are related to the decline in applications.

The decade of the 1970's was a period of expansion for law schools as most increased their enrollment,<sup>16</sup> faculty size,<sup>17</sup> and added new physical facilities.<sup>18</sup> Virtually no schools decreased in any of these areas.<sup>19</sup> Several schools either added new graduate legal programs or increased the size of existing programs in the same period.<sup>20</sup> During the 1980's, however, more than half of responding schools experienced a decline in the number of applications to the Juris Doctor (J.D.) day program.<sup>21</sup> Evening division applications also decreased during the 1980's.<sup>22</sup> The only "growth" area was in applicants to graduate legal programs, with most schools possessing such programs reporting either an increase in applications or no change at all.<sup>23</sup> Only a small percentage of graduate legal programs experienced a decrease in applications.<sup>24</sup>

A significant number of law schools reduced the size of their entering J.D. class in the 1980's.<sup>25</sup> This reduction may have been a result of the decreasing number of applications. Since the decrease in class size was less than the decline in applications, many law schools reported a lower GPA and/or LSAT average for their entering class in the 1980's.<sup>26</sup> Perhaps concerned with this drop in credentials, some schools reported increasing their require-

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<sup>16</sup> *Id.* Exhibit A at question 3(a).

<sup>17</sup> *Id.* at question 3(b).

<sup>18</sup> *Id.* at question 3(c).

<sup>19</sup> *Id.* at question 3(a)-(c).

<sup>20</sup> *Id.* at question 3(d).

<sup>21</sup> *Id.* at question 4(a). The survey question was ambiguous in that some schools may have experienced increased applications in the early 1980's with a drop in 1983 or 1984. This may account for the discrepancy from LSAC statistics that 88% of law schools suffered a decrease in applicants in 1984. See Vernon and Zimmer, *supra* note 1, at 281.

<sup>22</sup> Survey, *supra* note 11, Exhibit A at question 4(b).

<sup>23</sup> *Id.* at question 4(c).

<sup>24</sup> *Id.*

<sup>25</sup> *Id.* at question 1(m).

<sup>26</sup> *Id.* at question 1(n).

ments for graduation.<sup>27</sup> In addition, several schools reported they have also undertaken steps to insure the competence of their graduates. This was accomplished most often by increasing the number of required courses such as legal writing and by offering clinical programs.<sup>28</sup> Only a small percentage of schools reported a drop in bar passage rates.<sup>29</sup> This trend, however, may not continue as the first class studied had enrolled after the decline in applications (1982 class) and, therefore, would have taken the bar exam after the survey was taken.<sup>30</sup>

Despite the reduction in class size at many schools, few froze or reduced the size of their faculty.<sup>31</sup> Thus, predictably, many schools reduced the student to faculty teaching ratio and sought alternative revenue sources.<sup>32</sup> One such source of revenue being sought is alumni contributions and support.<sup>33</sup> Because most schools operate on a static budget and have a heavily tenured faculty, almost half the schools emphasized ways to maintain faculty vitality.<sup>34</sup> Many of the schools accomplished this step by increasing faculty research. Other schools tried new ways to utilize their faculty. The most commonly cited way was through the use of continuing legal education programs.<sup>35</sup>

Most law school's actions to resolve the problem of declining enrollment applications centered around two areas: (1) increasing financial and placement assistance for enrolled students; and (2) recruitment of new students.<sup>36</sup> Law schools may have signifi-

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<sup>27</sup> *Id.* at question 1(q).

<sup>28</sup> *Id.* at question 1(w).

<sup>29</sup> *Id.* at question 1(o).

<sup>30</sup> The Vernon and Zimmer Report speculates about the effect on the passage rate for the multistate bar examination if persons with lower credentials take the examination. Most states' passing rate is relatively high and it is questionable how the new law school graduates will do on the examination considering the existing high standards required for passage. See Vernon and Zimmer, *supra* note 1, at 288 n.34.

<sup>31</sup> Survey, *supra* note 11, Exhibit A at questions 1(k), 1(l).

<sup>32</sup> *Id.* at questions 1(s), 1(v). At tuition dependent schools, it is problematic whether alternative funding sources or general university revenues can take up the slack from any further enrollment declines. Since faculty salaries are usually the single biggest item in the law school budget, if enrollment continues to decline, pressure may be brought to reduce the faculty salary expense. In the uncertain enrollment climate facing most law schools today, it is surprising that so few schools have not at least "frozen" faculty positions in order to stay as flexible as possible. Vernon and Zimmer, *supra* note 1, at 297.

<sup>33</sup> Survey, *supra* note 11, Exhibit A at question 1(v).

<sup>34</sup> *Id.* at question 1(x).

<sup>35</sup> *Id.* at question 1(u).

<sup>36</sup> *Id.* at question 1(h), 1(j).

cantly increased outlays for financial aid and placement without having a drop in applications. The rise in financial aid may have been due to the rising costs of legal education and the uncertainty of federal aid programs, while the increased outlays for placement are due to the soaring number of law school graduates and the scarcity of law-related jobs.<sup>37</sup> Few law schools increased other types of aid or developed new courses to help law students acquire a background in nontraditional legal positions.<sup>38</sup>

Recruiting new students was the main response to the issue of declining applications.<sup>39</sup> More than half the schools increased their recruiting budgets by a significant percentage.<sup>40</sup> Most schools identified and emphasized areas of concentration and excellence to students in their recruiting efforts.<sup>41</sup> A significant number of schools reported seeking new "markets" for prospective students, with a large percentage attempting to reach new geographical areas.<sup>42</sup>

The survey highlights a lack of careful assessment or analysis of the environment and future trends by law schools. For example, very few schools did a demand study for legal education as was recommended in the 1980 Joint Committee Report.<sup>43</sup> Some

<sup>37</sup> See Vernon and Zimmer, *supra* note 1, at 279-81.

<sup>38</sup> Survey, *supra* note 11, Exhibit A at questions 1(i), 1(t).

<sup>39</sup> *Id.* at question 1(f). This is true since the other main thrust of the schools' actions, that being increasing financial aid and placement assistance to already enrolled students, would have little or no effect on the number of applications received.

<sup>40</sup> *Id.* The average budget increase was 58%. *Id.* Although the reported percentage increase is substantial, it may also be misleading in terms of dollar increase since many law schools had previously given little attention to recruiting. See Vernon and Zimmer, *supra* note 1, at 289-91.

<sup>41</sup> Survey, *supra* note 11, Exhibit A at question 1(c).

<sup>42</sup> *Id.* at question 1(g).

<sup>43</sup> *Id.* at question 1(a). The Association of American Law Schools and Law School Admission Council's Report suggested a demand study as one of 10 specific recommendations to the law schools. See Report of Joint Committee, *supra* note 7, at 1. Although the subject survey sent to the law schools did not parallel the recommendations made in the 1980 Report of Joint Committee, a sufficient basis for comparison exists. The following table lists the Report of Joint Committee's 10 recommendations along with the percentage of schools that have followed them since the issuance of the Report.

Report of Joint Committee Recommendations	Survey Item	Percentage of Schools Following Recommendation
1. Undertake demand study	a	14%
2. Methods to maintain faculty vitality	x	49%
3. Lower student-faculty ratio	s	40%

schools did reconsider the school's purpose,<sup>44</sup> but few have undertaken a market study.<sup>45</sup> Despite the apparent lack of investigation, planning, or analysis, more than two-thirds of all the schools surveyed remain optimistic that they will maintain their school's present enrollment and quality.<sup>46</sup>

*B. Results—Public v. Private Schools:*

The survey was also analyzed for differences between public and private schools.<sup>47</sup> Forty-six percent of the survey respondents were public schools, fifty-four percent private,<sup>48</sup> with the private schools having larger enrollments.<sup>49</sup> It was theorized that public schools would do less recruiting and in general take fewer steps or make fewer changes in response to the decline in demand because either lower tuition insulated them from the decline or state-mandated budgets elicit different action.

A greater percentage of the public schools reported a decrease in applications than did private schools.<sup>50</sup> On the other hand, more private schools reported a decrease in academic cre-

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4. Methods to assure the competence of graduates	w	40%
5. Develop new placement opportunities	j	66%
6. Develop new courses for law students to use in nontraditional positions upon graduation	t	15%
7. Open enrollment to other students in the university, re-examine the role of law faculty members in CLE and adult education	u	19%
8. Develop more effective and efficient recruitment programs	e	79%
9. Treat applicants as individuals	not covered	N/A
10. Inform all persons of potential problems and all groups participate in planning	not covered	N/A

*Id.* at 1-3.

<sup>44</sup> Survey, *supra* note 11, Exhibit A at question 1(b).

<sup>45</sup> *Id.* at question 1(d).

<sup>46</sup> *Id.* at question 1(z).

<sup>47</sup> See Survey, *supra* note 11, Exhibits B and C.

<sup>48</sup> *Id.*, Exhibit A at question 2(a).

<sup>49</sup> Compare Survey, *supra* note 11, Exhibit B at question 2(c) with Survey, *supra* note 11, Exhibit C at question 2(c) (showing higher enrollment in private schools that responded to Survey).

<sup>50</sup> Compare Survey, *supra* note 11, Exhibit B at questions 4(a-c) with Survey, *supra* note 11, Exhibit C at questions 4(a-c) (showing larger decrease in applications in public schools than in private schools).

dentials of the entering class,<sup>51</sup> perhaps indicating the public schools had a greater applicant "cushion." About the same proportion of private and public schools reported a reduced class size and a freeze on faculty size.<sup>52</sup>

As expected, the private schools were substantially more active in seeking students. For example, proportionately more private schools conducted a marketing study;<sup>53</sup> developed a more aggressive recruiting program;<sup>54</sup> increased recruiting budget;<sup>55</sup> expanded into new markets;<sup>56</sup> and increased financial aid.<sup>57</sup> More public schools, however, reported devising new ways to retain students once enrolled.<sup>58</sup> In addition, private schools were more optimistic than public schools that the changes will be successful.<sup>59</sup>

Thus, the private schools in the survey appear to be accelerating their recruiting and other promotional activity, perhaps filling their classes with slightly less qualified students while assuming that the increased activity will keep their classes filled. The public schools, on the other hand, have been less active and are less optimistic, perhaps because of their lack of activity coupled with the decrease in applications.

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<sup>51</sup> Compare Survey, *supra* note 11, Exhibit B at question 1(n) with Survey, *supra* note 11, Exhibit C at question 1(n) (showing higher decrease in credentials in entering students for private law schools).

<sup>52</sup> Compare Survey, *supra* note 11, Exhibit B at questions 1(l) and m) with Survey, *supra* note 11, Exhibit C at questions 1(l) and m) (showing reduction in class size and freeze on faculty size).

<sup>53</sup> Compare Survey, *supra* note 11, Exhibit B at question 1(d) with Survey, *supra* note 11, Exhibit C at question 1(d) (showing more private schools than public schools doing marketing study).

<sup>54</sup> Compare Survey, *supra* note 11, Exhibit B at question 1(e) with Survey, *supra* note 11, Exhibit C at question 1(e) (showing private schools more aggressive in recruiting).

<sup>55</sup> Compare Survey, *supra* note 11, Exhibit B at question 1(f) with Survey, *supra* note 11, Exhibit C at question 1(f) (showing private schools greater increase in recruiting budget).

<sup>56</sup> Compare Survey, *supra* note 11, Exhibit B at question 1(g) with Survey, *supra* note 11, Exhibit C at question 1(g) (showing more private schools expanding into new markets for recruiting).

<sup>57</sup> Compare Survey, *supra* note 11, Exhibit B at question 1(h) with Survey, *supra* note 11, Exhibit C at question 1(h) (showing larger percentage of private schools increasing financial aid).

<sup>58</sup> Compare Survey, *supra* note 11, Exhibit B at question 1(y) with Survey, *supra* note 11, Exhibit C at question 1(y) (showing higher percentage of public schools devising new ways to retain already enrolled students).

<sup>59</sup> Compare Survey, *supra* note 11, Exhibit B at question 1(z) with Survey, *supra* note 11, Exhibit C at question 1(z) (showing more optimism on part of private schools that changes implemented will be successful).

C. *Results—Active v. Nonactive Schools:*

A further analysis of the survey respondents was made to determine whether a dichotomy exists between schools which have actively responded to the application decline and those which have not.<sup>60</sup> The results show that seventy percent of the schools account for most of the activity, while a significant group (thirty percent) have done little.<sup>61</sup> The increased activity resulted in the active schools<sup>62</sup> more nearly maintaining enrollment levels but at

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<sup>60</sup> For this purpose, an "active" school was determined to be one which had answered "yes" to any *two* or more of the following survey questions:

Undertaken a demand study (Survey question 1(a))

Undertaken a marketing study (Survey question 1(d))

Developed more aggressive recruiting program (Survey question 1(e))

Increased recruiting budget (Survey question 1(f))

Expanded into new markets (Survey question 1(g))

While other questions might have been included, it was assumed that these were likely to be among the first and most common responses to the decline. Using this standard, 70% of all schools (both public and private) were characterized as active, with significantly more private than public schools being classified as such. The background characteristics of active schools compared to nonactive schools seems to be approximately equal. Surprisingly, however, a greater percentage of nonactive schools had a total enrollment of 700 or more than did active schools.

<sup>61</sup> The 70% figure was reached as follows: 46% of the schools were public schools; therefore,  $.46 \times 128$  total schools = 59 public schools responding.

128 total schools

(59) public schools

69 private schools

$57\% \times 59$  public schools = 34

$81\% \times 69$  private schools = 56

90

90 total schools were "active schools"

90 out of 128 total schools = 70%.

See Survey, *supra* note 11, Exhibit D at question 2(a).

<sup>62</sup> In the items used to categorize a school as active or nonactive, the differences in percentages from schools taking an active role in changing and those not doing so is quite pronounced (as would be expected since these were the characteristics used to make the selection):

	<u>Active</u>	<u>v.</u>	<u>Nonactive</u>
Undertaken a demand study	20%	v.	0%
Undertaken a marketing study	22%	v.	0%
Developed a more aggressive recruiting program	96%	v.	42%
Increased recruiting budget	87%	v.	3%
Expanded into new markets	61%	v.	0%

The active-nonactive distinction is also prominent in several other areas such as whether the school had reconsidered its purpose; identified areas of excellence; undertaken steps to maintain faculty vitality; assured competence of graduates; and devised new ways to retain students. Compare Survey, *supra* note 11, Exhibit D at questions 1(b); 1(k); 1(x); 1(w); and 1(y) with Survey, *supra* note 11, Exhibit E at

the cost of reduced quality.<sup>63</sup> Many of the nonactive schools may have been the "elite" schools or other schools with similarly reduced competitive pressures.<sup>64</sup> The active schools were more optimistic<sup>65</sup> probably because they were taking action and had more nearly maintained past enrollment levels.

#### IV. REFLECTIONS ON INDIVIDUAL LAW SCHOOL AND LSAC ACTION

Few schools have done much to respond to the problem of declining applications. The survey results suggest that the major mechanism selected by law schools to cope with the declining demand is recruiting, with little if any planning or analysis.<sup>66</sup> Law schools seem to be in the same position as undergraduate institutions were in the late 1970's when faced with projected enrollment declines. Most of the undergraduate institutions simply denied the problem existed and remained optimistic. As the downward trend materialized, the overwhelming solution utilized by the undergraduate institutions was recruiting.<sup>67</sup>

A second report (Update Report)<sup>68</sup> updating the 1980 Joint Committee Report, was issued in mid-1985. After a detailed analysis of the factors that may have contributed to the decline, the Update Report concludes that it is uncertain why the law school applicant pool has dropped.<sup>69</sup> The Update Report states that the future demand for legal education is in doubt and that almost all law schools should plan for possibly lower levels of

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questions 1(b); 1(k); 1(x); 1(w); and 1(y) (showing active schools taking more prominent role in combatting problems).

<sup>63</sup> Compare Survey, *supra* note 11, Exhibit D at questions 1(m) and 1(n) with Survey, *supra* note 11, Exhibit E at questions 1(m) and 1(n) (showing fewer active schools reporting drop in enrollment but more of them showing decrease in quality of entering class).

<sup>64</sup> As the survey did not assess a school's yield ratios, it is not possible to determine whether the nonactive 30% of schools had a greater "cushion" of applications.

<sup>65</sup> Compare Survey, *supra* note 11, Exhibit D at question 1(z) with Survey, *supra* note 11, Exhibit E at question 1(z) (showing more active schools than nonactive schools believing that their actions will be successful).

<sup>66</sup> See *supra* notes 39-42 and accompanying text for discussion of the survey results respecting recruitment efforts.

<sup>67</sup> Over 90% of these institutions increased their recruiting budgets and became involved in more aggressive recruiting techniques. P. KOTLER AND K. FOX, STRATEGIC MARKETING FOR EDUCATIONAL INSTITUTIONS 320 (1985).

<sup>68</sup> See Vernon and Zimmer, *supra* note 1, at 261-62. Messrs. Vernon and Zimmer were asked to update the 1980 Report by the Association of American Law Schools and Law School Admission Council. See Report of Joint Committee, *supra* note 7.

<sup>69</sup> Vernon and Zimmer, *supra* note 1, at 281-82.

enrollment.<sup>70</sup>

The decline will not affect all law schools equally. The Update Report places law schools into three groups: the elite, a small group of highly select schools with a very substantial applicant cushion which will be qualitatively unaffected by the decline; the middle, consisting of a majority of schools which have most likely survived the current drop with quality relatively intact, but are at risk if the future demand continues to decline; and the marginal, a small group of schools that have already suffered qualitative declines.<sup>71</sup> The focus of this part of this article is directed at the middle group, the vast majority of law schools.

The Update Report concludes that the national population data and undergraduate degree projections indicate that the national law school pool is very likely to decrease.<sup>72</sup> The Update Report recommends a social science study to identify the nondemographic elements that have brought about the twelve percent decline in the applicant pool in the past two years.<sup>73</sup> Although the recommended social science survey may determine why the prior decline in demand occurred, the individual law school planning process must begin before any study is completed. Most of the possible factors contributing to the decline cited in the Update Report are probably still operating. Other factors not cited may also have contributed to the decline such as a drop in veterans' educational benefits. Following are suggestions for action by the "ordinary" law school.

#### A. *Planning/Marketing*

The most critical need for the ordinary law school is to plan. The most common response to the decline of applications was to increase the recruiting/promotion program.<sup>74</sup> While this approach may generate more activity temporarily, it is likely to fail as the initial effects burn out in a declining market. Instead of randomly increasing recruiting efforts, schools must review major resources and determine goals and objectives in the context of the changing environment before deciding on action to be taken.<sup>75</sup> Increasing student recruitment might be one of the

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<sup>70</sup> *Id.* at 283.

<sup>71</sup> *Id.* at 282-83.

<sup>72</sup> *Id.* at 277.

<sup>73</sup> *Id.*

<sup>74</sup> Survey, *supra* note 11, Exhibit A at questions 1(e)-(g).

<sup>75</sup> See P. KOTLER & K. FOX, *supra* note 67, at 237, 321. This process is discussed thoroughly at these pages.

goals established, but only in relation to the overall purpose of the institution, and not as an isolated goal unto itself.

Law schools that are considering increased promotion may have some very difficult issues to resolve. For example, is it fair to attract students to a school that may not be able to place its graduates in jobs they find attractive? Worse, is there some element of misrepresentation involved in such action? On the other hand, a need may exist for certain kinds of lawyers. Graduates, however, may not wish to fill those slots. In short, the law school should consider whether or not it is desirable to continue to fill all its seats, in relation to other factors.

The Update Report includes an inventory for self-analysis by individual law schools. This inventory provides a starting point for the individual law school to analyze its present situation and its likely future environment.<sup>76</sup> The Update Report assumes that reduction in the size of student bodies is an essential ingredient in maintaining quality.<sup>77</sup> If a reduced class size is selected, the school should formulate a strategy either to increase income from other sources or to effect the necessary expense reduction.<sup>78</sup> Such budget decisions are better made in an atmosphere of theoretical planning for future contingencies, rather than after an actual decline when self-interest may take precedence over calm deliberation.

Most law schools responded "no" to the question on the survey, "Has your law school undertaken a marketing study?"<sup>79</sup> Marketing that is understood and applied appropriately is a guide for self-evaluation and institutional planning and "is consistent with the ideals of higher education."<sup>80</sup> Marketing can help the institution clarify what it is trying to do and whom it wants to serve. It can also identify problems, direct responses, and select attractive programs. It means a more business-like approach, including research and planning, but with the emphasis on serving, not selling. Marketing makes selling unnecessary.

Perhaps law schools have done this type of planning and not

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<sup>76</sup> See Vernon and Zimmer, *supra* note 1, at 281.

<sup>77</sup> *Id.* at 282.

<sup>78</sup> Each institution should have a predetermined process in place to make such decisions. It is desirable that the law school faculty have primary responsibility for planning any law school program cuts (subject to the ultimate approval by the board of trustees or other governing body.).

<sup>79</sup> See Survey, *supra* note 11, Exhibit A at question 1(a).

<sup>80</sup> Gehrung, *The Case for Marketing Your College*, 1 J. HIGHER EDUC. MGMT. 8, 9 (1985).

labeled it marketing although it is doubtful that most schools have engaged in such an extensive self-analysis. Educational institutions traditionally do not change rapidly.<sup>81</sup> Whereas only a minority of schools in the survey indicated they had reconsidered the law school's purpose in the 1980's,<sup>82</sup> a reconsideration of the law school's mission would be central to this approach. Law schools appear to have increased their promotional budgets without a clear idea of what they were buying or seeking for their increased dollars. " 'If you don't know where you're going, any road will take you there.' "<sup>83</sup>

Why has it been easier for law schools to deny declining applications and why have law schools been reluctant to plan? Of course, denial is a very common defense mechanism to a perceived threat. Beyond that, it may be that at the non-elitist schools, faculties are reluctant to acknowledge what may be a reality: that most law schools, despite aspirations otherwise, do not train most students to be future Supreme Court Justices or law professors. Rather, most students practice in medium sized cities or small towns or do personal injury or divorce practice in a large city, where day-to-day "bottom line" results may be as important as the fine points of legal doctrines. Clear identification of the activities and needs of graduates may actually aid the school in better equipping its graduates for the tasks they face. While no school would narrowly focus all of its curriculum, schools should reconsider the desirability of ignoring the relevant concerns of many of their graduates.

Law school deans must be able to get help in developing the capability to do the marketing self-analysis. The university's general administration seems the logical place for the dean to receive such support. The days of the law school as a profit center for the university with large classes and relatively low expenses are probably gone. Market conditions are such that revenues may drop because fewer students attend, while expenses of running a law school are increasing (*e.g.*, library acquisitions, computer capability, demands for clinical education). Universities will have to devote more resources to the law schools, and money spent on such marketing activity seems a wise allocation of resources.

Once the overall planning process is accomplished and a blueprint for action is arrived at, the schools individually and col-

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<sup>81</sup> See P. KOTLER & K. FOX, *supra* note 67, at 99.

<sup>82</sup> See Survey, *supra* note 11, Exhibit A at question 1(b).

<sup>83</sup> P. KOTLER & K. FOX, *supra* note 67, at 78.

lectively through the LSAC or otherwise<sup>84</sup> can then focus on specific problems. Common areas likely to be identified may include recruiting, retention of enrolled students, and planning for the changing law student. Some comments are set forth on each of these areas.

### *B. Recruiting*

In setting a realistic strategy for recruitment, schools will need to know themselves and their students.<sup>85</sup> Self-analysis is the essential first step. This self-analysis must include information obtained from sources other than the school's own perceptions of itself.

To gather this information, a school will need to conduct surveys and studies to help identify institutional strengths and weaknesses. Current students need to be contacted to help the law school determine the types of students attending and where to recruit.<sup>86</sup> For additional insight, it is necessary to survey students who were accepted but did not enroll as well as those who actually did enroll. LSAC information can aid schools in determining their closest current competitors. Detailed knowledge about the financial aid dependency of students in the age of federal budget restraints will also be helpful. The LSAC can take the lead in helping schools develop the necessary skills and information.<sup>87</sup> The majority of law school admission staffs are probably not trained in marketing skills. LSAC-sponsored workshops on the effective use of marketing and public relations media would be a valuable service to law schools. The LSAC could effectively conduct general information surveys, while individual law schools survey their own constituents. For example, LSAC could survey pre-law advisors to assess how they rate strengths and weaknesses of the individual law schools. One LSAC generated survey of pre-law advisors sponsored through the various pre-law advisor associations would be more effective than questionnaires from 174 law schools. The LSAC can study the fac-

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<sup>84</sup> Schools may wish to consider whether regionalization of services is appropriate. For example, should a consortium of Midwest law schools, which have targeted recruiting and are in essence competitors, act together in areas such as presenting the Midwest as a good place to attend law school?

<sup>85</sup> See P. KOTLER & K. FOX, *supra* note 67, at 120-22.

<sup>86</sup> See *id.* at 327.

<sup>87</sup> With its computer capability and access to information, LSAC seems to be a "natural" for providing these additional services. To the extent that standardized admission tests, such as the LSAT, fall into disuse, the diversification would work to LSAC's advantage. See *infra* note 89 and accompanying text.

tors that weigh most heavily in student application and enrollment decisions as well as other factors that bear on student attraction and retention.<sup>88</sup> A student/consumer intention study to predict future demand, and surveys designed to measure the individual law school image and environment would also be useful.<sup>89</sup> Once the surveys and studies are started, the information gathered must be usable. The LSAC can lead the way in developing survey-analysis software so that the information gathered is manageable and understandable.

There has long been a feeling that the "quality" of a law school applicant should not be equated solely with the LSAT score and grade point average. The LSAC can try to develop effective criteria to measure applicants' personal qualities, motivation, ambition, leadership, special talents, and similar relevant predictors of success. Other applicant testing groups are developing a broad array of qualities, rather than test scores and grades as selection criteria. Educational Testing Service has undertaken a "personal quality" study for college freshmen. The National Board of Medical Examiners has also worked to develop new measures other than grades and tests for use in medical school selection. In addition, the desire to look beyond grades and scores has extended to graduate business schools.<sup>90</sup>

An attempt to refine ratings of applicants is a worthwhile endeavor for the legal education community. Since the number of applicants and the index scores have dropped, it is increasingly important to try to identify those lower indexed applicants that would make good lawyers. In addition, future population shifts indicate that in some regions an increasing number of applicants may be minority students, a larger percentage of whom traditionally score lower on the standardized tests than do nonminority students.<sup>91</sup> More varied ways of assessing students will allow law

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<sup>88</sup> See P. KOTLER & K. FOX, *supra* note 67, at 329.

<sup>89</sup> The LSAC could adapt information that is available from other organizations or associations. "One example is the College and University Environment Scales (CUES) which provides a systematic way to determine the environmental characteristics of an institution of higher education as students perceive it." *Id.* at 116-17. The LSAC might look into the widely used Educational Testing Service Institutional Goals Inventory (IGI) and adapt it to assist law schools in defining their educational goals, establish priorities among those goals, and give direction to their present and future plans. *Id.* at 127.

<sup>90</sup> See, e.g., N.Y. Times, Aug. 11, 1985, at 25, col. 1. (Harvard Business School announces intention to no longer use GMAT scores in admission decisions).

<sup>91</sup> Hodgkinson, *Guess Who's Coming To College: Your Students In 1990*, A RESEARCH REPORT FROM THE STATE-NATIONAL INFORMATION NETWORK FOR INDEPENDENT HIGHER EDUCATION 4 (Jan. 1983).

schools and applicants to obtain a better fit.

### C. *Retention*

With the decline in applications, law schools will realize the increasing importance of retaining students. Retention may be viewed in two ways: (1) minimizing academic disqualification of students; and (2) avoiding the transfer of students from the school. Law schools have traditionally emphasized the first aspect. In their comments to the survey,<sup>92</sup> most schools stated that the main item they used for student retention was tutorial programs. It will become increasingly important to emphasize minimizing transfer if demand declines. The budgetary impact of transferring students can be dramatic. The obvious loss is tuition, with a possible demoralizing effect on the remaining students if others transfer. The school also may lose prestige in the opinion of potential applicants or donors. As the market becomes more competitive, transferring may become more attractive. Building an effective retention program and minimizing transferring requires institutional commitment to creating a responsive environment.<sup>93</sup> Schools must develop a new sensitivity for the needs of their students. Some law schools have neglected their obligation to create the kind of atmosphere that encourages students to stay. To meet this obligation may call for new attitudes, changes in programs, and changes in operating styles. Future competition among law schools may not be based on what they offer in the classroom but rather on what they add to the standard offerings in such items as services and financing.<sup>94</sup>

Schools should assess the retention situation and determine why their students transfer or drop out. Surveys of the graduating class and transferring students are necessary. The LSAC could provide statistics on the number of students transferring and the schools they selected. The LSAC computers could provide a profile of students likely to drop out, return rate, readmission to what school, and length of absence.

### D. *"New" Applicant Profile*

The characteristics of law school applicants may be changing. Demographic data suggest a continued aging of the law stu-

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<sup>92</sup> See Survey, *supra* note 11, Exhibit A at question 1(y).

<sup>93</sup> See P. KOTLER & K. FOX, *supra* note 67, at 342.

<sup>94</sup> *Id.* at 226.

dent population.<sup>95</sup> In fact, an opportunity to attract new students may exist in the area of the "older," nontraditional students seeking second careers, reentry into the marketplace, or who have finally become financially able to attend law school. These students may be working and have children. They may have special needs that necessitate more flexibility on the part of the law schools in terms of the scheduling of classes, standards, financial aid, and part-time education. An increased need for day-care may also exist. Faculties must be able to relate to these students and challenge them with more innovative modes of instruction. They will expect "adult treatment." Law schools will have to take steps to create the kind of atmosphere that encourages these students to attend and complete their education.

Population demographics show that much of the growth in the population will be in the minorities. By 1990, minorities of all ages will constitute twenty to twenty-five percent of the total population, with the percentage of youths at over thirty percent. In some states, minorities will constitute over forty-five percent of the state birth rate.<sup>96</sup> Thus, more future law students are likely to be members of minorities. To date, minority enrollment in law schools has been relatively low, increasing from 4.2% to 10.5% in the years from 1970 to 1983.<sup>97</sup> In the past, minorities (other than Asians) tended not to perform as well on the standard performance measuring devices, and thus enrolled a smaller percentage in higher education.<sup>98</sup> Law schools should plan for

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<sup>95</sup> College students, the primary source of law school applicants, are coming from older age groups. Newly released Census Bureau figures show that by 1981, the majority of college students were aged 22 or older.

College Student Age	1970	1981
18 and 19	31.6%	25.1%
20 and 21	22.6	20.9
22 to 24	16.5	16.4
25 to 29	11.4	14.2
30 to 34	5.0	9.9
35 and over	9.5	11.5

See San Diego Tribune, Aug. 14, 1985 at A-6.

Women contributed to the number of older students more significantly than men. See *id.* More than 40% of current law school applicants are age 26 or older and more than 20% are 31 or older. See Vernon & Zimmer, *supra* note 1, at 272.

<sup>96</sup> See Hodgkinson, *supra* note 91.

<sup>97</sup> Romero, *An Assessment of Affirmative Action in Law School Admissions After Fifteen Years: A Need for Recommitment*, 34 J. LEGAL EDUC. 430, 430 (1984).

<sup>98</sup> See *id.* at 433-36.

recruiting minority students and meeting those students' needs. The recent college graduates may also be more computer literate than their predecessors. Law schools will have to strive to keep up and become more innovative in the use of computers.

#### V. SUGGESTIONS FOR ACTION BY THE NATIONAL ORGANIZATIONS (ABA AND AALS)

All of the foregoing trends and developments have important implications for legal education. The 1980 Joint Committee Report made recommendations for action by the national organizations to help law schools meet the potential decline in applicants.<sup>99</sup> The ABA Long-Range Planning Committee is now considering some of those issues.<sup>100</sup> The national organizations can serve as an important catalyst to stimulate development and change in legal education during this decade. Many areas exist where their action would be helpful.

One area the national organizations might consider is whether legal educators should take steps to deal with the negative image of lawyers in society today. Should seminars and other information be directed at potential applicants, such as college students, in order to alter the negative image and to encourage new applicants?

Until recently, law schools have been a growth industry. Thus, most law school deans have no experience in a declining or even a static market. Since the universities may also be undergoing or anticipating similar application declines, it is unlikely that they will be able to support the law school's deficit or to accept a decreased "contribution" to general university revenues. An association-sponsored seminar or other support to beleaguered law school deans would probably be welcomed.

Another potential area for discussion is the change in traditional faculty roles. Law schools may have to broaden their educational mission in order to maintain faculty size.<sup>101</sup> Law faculties may be engaged in many things aside from law school teaching and scholarship. The traditional role of law professors may thus need to be re-examined. Redefining an acceptable range of activity could encourage the utilization of faculty in diversified areas such as private industry, continuing legal educa-

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<sup>99</sup> See Report of Joint Committee, *supra* note 7.

<sup>100</sup> See White, *Long Range Planning Committee Memorandum D8485-41*, 1985 A.B.A. SEC. LEGAL. EDUC. ADMISSIONS TO THE BAR (questions 1, 2, 9, 12, and 13).

<sup>101</sup> Vernon and Zimmer, *supra* note 1, at 292.

tion programs, and government service if law school enrollments dwindle.

At the same time they may be creating new programs, law schools may become increasingly reluctant to commit to full-time, tenure-track faculty. The use of part-time and temporary faculty in other university programs is creating many problems.<sup>102</sup> Staffing programs with part-time or temporary faculty can lead to several problems including low morale among such faculty members, a reduced number of faculty available to serve on committees or advise students, and an uncertain impact on the program's quality.

The application decline may lead to undesirable recruiting practices and "hard sell" techniques. The ethics of educational marketing are still developing.<sup>103</sup> Schools in trouble may use misleading promotion.<sup>104</sup> A declining law school applicant pool may lead to institutional desperation and questionable tactics. The associations should consider monitoring recruiting practices and issuing guidelines. An ethics committee might be established to set guidelines and monitor practices.<sup>105</sup> Some minimum standards for catalog and other advertising materials might include the banning of listing courses that have not been offered for a specified number of years, and the disclosing of courses that are taught by part-time faculty. A statement against other practices such as bonuses to pre-law advisors, student bounties, and commissions to admission's officers might also be considered to supplement existing standards.<sup>106</sup>

ABA and AALS standards generally require that admission to law school be limited to persons whose records indicate they can perform satisfactorily.<sup>107</sup> A discussion of these standards

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<sup>102</sup> See, e.g., Maeroff, *A Changing World for Professors*, N.Y. Times, Aug. 18, 1985, § 12, at 1, col. 1.

<sup>103</sup> See Keller, *The Marketing Revolution and the New World of University Administrators*, 1 J. HIGHER EDUC. MGMT. 5, 6 (1985).

<sup>104</sup> A study of the 1975 catalogs of 200 four-year colleges prior to any enrollment crunch found widespread inaccurate or incomplete catalogs and unethical and possibly illegal recruiting activities. See Westoff, *A New Era in Admissions*, in 7 FOCUS 19-20 (Educational Testing Service 1980).

<sup>105</sup> The National Association of College Admissions Counselors created a separate Ethics Committee that authored "A Statement of Principles of Good Practice" and created a monitoring system to check abuses.

<sup>106</sup> American Bar Association Standards and Rules of Procedure, *Approval of Law Schools*, § 209(b) (1983).

<sup>107</sup> See American Bar Association Standards and Rules of Procedure, *Admissions*, § 501 (1983); Association of American Law Schools, *Requirements for Membership*, § 6-2(a) (Apr. 1986).

might prove helpful to schools in their planning process, especially if the precipitous decline continues. For example, can schools admit low index applicants to a special program on the condition that they pass the program? If School X has always admitted lower qualified applicants than School Y, can School Y admit School X's lower qualified applicants if the effect is to reduce substantially the quality of School Y's class? When should the accrediting body check on the adherence to these standards if a school suffers a marked decline in applicants?

In addition to aggressive admission practices, schools may create new programs such as joint degree or graduate legal education programs in order to generate more students. Joint degree programs might be especially attractive to students seeking to reduce financial outlays. Due to the three year time lag, and the fact that law school class enrollments have not been cut back as steeply as the drop in applications, the effects of the current application decline are unlikely to be felt by graduate law programs for some years, if at all. The associations should consider the advisability of regulating these and other "new" programs which may be developed, not merely to "protect" the Juris Doctor program, but also to assure the quality of the other programs.

## VI. CONCLUSION

The survey revealed much information about the legal education community. The most striking impression from the survey is the absence of innovative programs or a sense of moving forward. Rather, law school efforts seem to be directed toward retaining the status quo.

The law schools' responses to the question, "Do you believe the various programs and changes will be successful in maintaining your law school's present enrollment and quality?," indicate an overwhelming majority of schools are optimistic: seventy percent responded "yes" and only eleven percent "no."<sup>108</sup> The rest were not sure. The optimism of the law schools seems inconsistent with the current environment, the lack of planning, and the paucity of innovative programs and may be the result of wishful thinking.

Some might argue that the denial or refusal to plan may produce the best result socially; that is, a reduction in the number and size of law schools, and hence, the number of lawyers. Fur-

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<sup>108</sup> Survey, *supra* note 11, Exhibit A at question 1(z).

ther, since law schools expanded so greatly in the boom years, contraction is natural and desirable, but not catastrophic, since it is unlikely to result in pre-boom enrollment quality. However, even if reduction of law school enrollments is socially desirable, legal education will be strengthened by considering these important issues directly. An ostrich posture is not only undignified, but dangerous.

Legal education must change as the students and the profession alter. The most successful law schools will be those that transform in response to the needs and desires of the marketplace. Legal educators with input from the profession should plan for and accommodate change. Predicting what these changes are likely to be, and how legal education should meet them, ought to be the subject of much debate and planning. The challenge requires the commitment of all members of the legal profession.

#### VII. ADDENDUM

Recently, the law school admissions statistics for 1986 have become available.<sup>109</sup> The number of applicants to ABA approved schools increased slightly by 1.3%.<sup>110</sup> Thus, the total decline since 1982 is sixteen percent.<sup>111</sup> It is too soon to predict, however, if the downward trend has leveled off. Interestingly, the LSAC waived the fee for renewal candidates for the first time in 1986. The main pool for new law school applicants—the number of administered LSAT tests—continued to decline in 1986 by three percent, resulting in a drop of 18.9% since 1982.<sup>112</sup>

The 1986 statistics provide support for two observations. First, applications from most minority groups increased substantially more than the overall 1.3%. For example, Asian and Mexican applications increased fifteen percent and 10.3% respectively.<sup>113</sup> Second, while the applications from college seniors declined by 3.6%, applications from persons out of graduate school for one or more years increased 6.7% in 1986.<sup>114</sup>

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<sup>109</sup> Law School Admissions Council and Law School Admissions Service, LAW SCHOOL ADMISSION DATA BULLETIN (Oct. 1986).

<sup>110</sup> *Id.* at 1.

<sup>111</sup> *Id.*

<sup>112</sup> *Id.* at 3.

<sup>113</sup> *Id.* at 4.

<sup>114</sup> *Id.* at 2.

## VIII. APPENDIX

EXHIBIT AALL SCHOOLS: PERCENTAGESSurvey of ABA Law Schools

1. In the 1980's, has your law school:	%	%	%
	Yes	No	No Answer
a. Undertaken a demand study for legal education?	<u>14</u>	<u>84</u>	<u>2</u>
b. Reconsidered or redefined the law school's purpose?	<u>36</u>	<u>62</u>	<u>2</u>
c. Identified areas of excellence or concentration that your school can emphasize?	<u>77</u>	<u>22</u>	<u>1</u>
d. Undertaken a marketing study?	<u>16</u>	<u>82</u>	<u>2</u>
e. Developed a more aggressive applicant recruiting program?	<u>79</u>	<u>20</u>	<u>1</u>
f. Increased your recruiting budget? Approximate increase <u>58</u> % Average of responding schools.	<u>62</u>	<u>37</u>	<u>1</u>
g. Expanded into new "markets" for prospective students (such as older adults or geographical markets)? Specify _____	<u>43</u>	<u>55</u>	<u>2</u>
h. Increased scholarships and/or other financial aid? Approximate increase <u>72</u> % Average of responding schools.	<u>66</u>	<u>33</u>	<u>1</u>
i. Increased other aid to students (e.g., housing)? Specify _____	<u>15</u>	<u>79</u>	<u>0</u>
j. Increased law student placement activities and/or budget?	<u>66</u>	<u>33</u>	<u>1</u>
k. Imposed a freeze on hiring faculty?	<u>12</u>	<u>87</u>	<u>1</u>
l. Reduced the size of the faculty? Approximate size of decrease <u>11</u> % Average of responding schools.	<u>9</u>	<u>90</u>	<u>1</u>
m. Reduced the size of the entering J.D. class? Approximate size of decrease <u>15</u> % Average of responding schools.	<u>41</u>	<u>58</u>	<u>1</u>
n. Experienced lower LSAT and/or undergraduates grade point averages for the entering class?	<u>32</u>	<u>63</u>	<u>5</u>
o. Experienced a drop in bar passage rate?	<u>20</u>	<u>76</u>	<u>0</u>
p. Experienced a drop in minority enrollment?	<u>20</u>	<u>75</u>	<u>5</u>
q. Increased requirements for graduation?	<u>25</u>	<u>73</u>	<u>2</u>
r. Decreased requirements for graduation?	<u>2</u>	<u>94</u>	<u>4</u>
s. Reduced student-faculty teaching ratio?	<u>40</u>	<u>57</u>	<u>3</u>
t. Developed new courses to help law students acquire a background for use in nontraditional legal positions? Specify _____	<u>15</u>	<u>81</u>	<u>4</u>
u. Instituted new ways to utilize faculty (e.g., CLE programs or joint teaching of other university courses)? Specify _____	<u>19</u>	<u>78</u>	<u>3</u>
v. Developed alternative revenue sources other than tuition for the law school and its programs? Specify _____	<u>40</u>	<u>55</u>	<u>5</u>
w. Undertaken steps to assure competence of graduates?	<u>40</u>	<u>48</u>	<u>13</u>

(continued)

- Specify \_\_\_\_\_
- x. Undertake steps to maintain faculty vitality? 49    37    14  
Specify \_\_\_\_\_
  - y. Devised new ways to try to retain students once enrolled? 34    59    7  
Specify \_\_\_\_\_
  - z. Do you believe the various programs and changes will be successful in maintaining your law school's present enrollment and quality? 70    11    19

**Background Information:**

- 2. Please select the response that best describes your law school:
  - a. State School (46%) Private School (54%) Other (Explain) 0
  - b. Location
 

New England	<u>7</u>	South Atlantic	<u>14</u>	North Central	<u>21</u>
MidAtlantic	<u>19</u>	South Central	<u>15</u>	Mountain	<u>4</u>
Pacific	<u>12</u>	Other	<u>8</u>		
  - c. Total Enrollment
 

Below 300	<u>6%</u>	400 to 499	<u>20%</u>	600 to 699	<u>19%</u>
300 to 399	<u>10%</u>	500 to 599	<u>15%</u>	Above 699	<u>30%</u>
  - d. Evening Division (if applicable) 39% Class enrollment 244.5 [Average # enrolled]
  - e. Graduate Legal Programs (if applicable) 37% Class enrollment 61.5 [Average # enrolled]

3. In the 1970's, did your law school change in the following aspects:

	<u>Increase</u>	<u>Decrease</u>	<u>No Change</u>	<u>Not Appl.</u>
a. J.D. Class Enrollment	<u>63%</u>	<u>4%</u>	<u>30%</u>	<u>3%</u>
b. Faculty Size	<u>88%</u>	<u>0%</u>	<u>9%</u>	<u>2%</u>
c. New Physical Facilities	<u>75%</u>	<u>0%</u>	<u>20%</u>	<u>5%</u>
d. Graduate Legal Enrollment	<u>15%</u>	<u>2%</u>	<u>35%</u>	<u>48%</u>

4. In the 1980's has your school experienced a change in the number of applications?

	<u>Increase</u>	<u>Decrease</u>	<u>No Change</u>	<u>Not Appl.</u>
a. J.D. Program - Day	<u>24%</u>	<u>55%</u>	<u>21%</u>	<u>0%</u>
b. J.D. Program - Evening	<u>8%</u>	<u>19%</u>	<u>6%</u>	<u>67%</u>
c. Graduate Programs	<u>16%</u>	<u>3%</u>	<u>12%</u>	<u>69%</u>

5. **General Comments.** (Please include any other programs or innovations you are considering or have undertaken either in response to the apparent national decline in applications or for other reasons.)

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Thank you.

Please return to:

Professors Doris Y. Alspaugh and Virginia V. Shue  
University of San Diego School of Law  
Alcala Park  
San Diego, CA 92110

**EXHIBIT B**  
**PUBLIC SCHOOLS: PERCENTAGES**  
Survey of ABA Law Schools

1. <u>In the 1980's</u> , has your law school:	%	%	%
	Yes	No	No Answer
a. Undertaken a demand study for legal education?	<u>12</u>	<u>86</u>	<u>2</u>
b. Reconsidered or redefined the law school's purpose?	<u>32</u>	<u>68</u>	<u>0</u>
c. Identified areas of excellence or concentration that your school can emphasize?	<u>73</u>	<u>25</u>	<u>2</u>
d. Undertaken a marketing study?	<u>5</u>	<u>95</u>	<u>0</u>
e. Developed a more aggressive applicant recruiting program?	<u>71</u>	<u>29</u>	<u>0</u>
f. Increased your recruiting budget? Approximate increase <u>48</u> %	<u>49</u>	<u>49</u>	<u>2</u>
g. Expanded into new "markets" for prospective students (such as older adults or geographical markets)? Specify _____	<u>32</u>	<u>66</u>	<u>2</u>
h. Increased scholarships and/or other financial aid? Approximate increase <u>62</u> %	<u>59</u>	<u>41</u>	<u>0</u>
i. Increased other aid to students (e.g., housing)? Specify _____	<u>12</u>	<u>85</u>	<u>3</u>
j. Increased law student placement activities and/or budget?	<u>61</u>	<u>39</u>	<u>0</u>
k. Imposed a freeze on hiring faculty?	<u>12</u>	<u>88</u>	<u>0</u>
l. Reduced the size of the faculty? Approximate size of decrease <u>9</u> %	<u>10</u>	<u>90</u>	<u>0</u>
m. Reduced the size of the entering J.D. class? Approximate size of decrease <u>15</u> %	<u>42</u>	<u>58</u>	<u>0</u>
n. Experienced lower LSAT and/or undergraduates grade point averages for the entering class?	<u>25</u>	<u>71</u>	<u>4</u>
o. Experienced a drop in bar passage rate?	<u>15</u>	<u>81</u>	<u>4</u>
p. Experienced a drop in minority enrollment?	<u>19</u>	<u>78</u>	<u>4</u>
q. Increased requirements for graduation?	<u>24</u>	<u>75</u>	<u>1</u>
r. Decreased requirements for graduation?	<u>5</u>	<u>93</u>	<u>2</u>
s. Reduced student-faculty teaching ratio?	<u>39</u>	<u>59</u>	<u>2</u>
t. Developed new courses to help law students acquire a background for use in nontraditional legal positions? Specify _____	<u>15</u>	<u>81</u>	<u>3</u>
u. Instituted new ways to utilize faculty (e.g., CLE programs or joint teaching of other university courses)? Specify _____	<u>14</u>	<u>85</u>	<u>2</u>
v. Developed alternative revenue sources other than tuition for the law school and its programs? Specify _____	<u>36</u>	<u>59</u>	<u>5</u>
w. Undertaken steps to assure competence of graduates? Specify _____	<u>41</u>	<u>44</u>	<u>15</u>
x. Undertake steps to maintain faculty vitality? Specify _____	<u>47</u>	<u>36</u>	<u>17</u>
y. Devised new ways to try to retain students once enrolled? Specify _____	<u>41</u>	<u>51</u>	<u>8</u>

(continued)

- z. Do you believe the various programs and changes will be successful in maintaining your law school's present enrollment and quality? 59   14   27

**Background Information:**

2. Please select the response that best describes your law school:
- a. State School 47% Private School      Other (Explain)
  - b. Location
    - New England           South Atlantic           North Central
    - MidAtlantic           South Central           Mountain
    - Pacific           Other
  - c. Total Enrollment
    - Below 300 10%      400 to 499 23%      600 to 699 18%
    - 300 to 399 12%      500 to 599 10%      Above 699 27%
  - d. Evening Division (if applicable) 27% Class enrollment 221 (Average # Enrolled)
  - e. Graduate Legal Programs (if applicable) 28% Class enrollment 27 (Average # Enrolled)

3. In the 1970's, did your law school change in the following aspects:
- |                              | <u>Increase</u> | <u>Decrease</u> | <u>No Change</u> | <u>Not Appl.</u> |
|------------------------------|-----------------|-----------------|------------------|------------------|
| a. J.D. Class Enrollment     | <u>53%</u>      | <u>8%</u>       | <u>35%</u>       | <u>3%</u>        |
| b. Faculty Size              | <u>83%</u>      | <u>0%</u>       | <u>15%</u>       | <u>2%</u>        |
| c. New Physical Facilities   | <u>75%</u>      | <u>0%</u>       | <u>20%</u>       | <u>5%</u>        |
| d. Graduate Legal Enrollment | <u>13%</u>      | <u>3%</u>       | <u>30%</u>       | <u>53%</u>       |

4. In the 1980's, has your school experienced a change in the number of applications?
- |                           | <u>Increase</u> | <u>Decrease</u> | <u>No Change</u> | <u>Not Appl.</u> |
|---------------------------|-----------------|-----------------|------------------|------------------|
| a. J.D. Program - Day     | <u>15%</u>      | <u>60%</u>      | <u>25%</u>       | <u>0%</u>        |
| b. J.D. Program - Evening | <u>3%</u>       | <u>22%</u>      | <u>7%</u>        | <u>68%</u>       |
| c. Graduate Programs      | <u>17%</u>      | <u>3%</u>       | <u>8%</u>        | <u>72%</u>       |

5. General Comments. (Please include any other programs or innovations you are considering or have undertaken either in response to the apparent national decline in applications or for other reasons.)
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Thank you.

Please return to:

Professors Doris Y. Alspaugh and Virginia V. Shue  
 University of San Diego School of Law  
 Alcalá Park  
 San Diego, CA 92110

**EXHIBIT C**  
**PRIVATE SCHOOLS: PERCENTAGES**  
Survey of ABA Law Schools

1. <u>In the 1980's</u> , has your law school:	%	%	%
	Yes	No	No Answer
a. Undertaken a demand study for legal education?	16	81	3
b. Reconsidered or redefined the law school's purpose?	39	57	4
c. Identified areas of excellence or concentration that your school can emphasize?	80	19	1
d. Undertaken a marketing study?	25	71	4
e. Developed a more aggressive applicant recruiting program?	86	13	1
f. Increased your recruiting budget? Approximate increase <u>64</u> %	72	26	1
g. Expanded into new "markets" for prospective students (such as older adults or geographical markets)? Specify _____	52	45	3
h. Increased scholarships and/or other financial aid? Approximate increase <u>80</u> %	71	26	3
i. Increased other aid to students ( <i>e.g.</i> , housing)? Specify _____	17	74	9
j. Increased law student placement activities and/or budget?	70	28	3
k. Imposed a freeze on hiring faculty?	12	85	3
l. Reduced the size of the faculty? Approximate size of decrease <u>12</u> %	7	91	1
m. Reduced the size of the entering J.D. class? Approximate size of decrease <u>14</u> %	41	58	1
n. Experienced lower LSAT and/or undergraduate grade point averages for the entering class?	38	57	5
o. Experienced a drop in bar passage rate?	25	71	4
p. Experienced a drop in minority enrollment?	22	72	6
q. Increased requirements for graduation?	26	71	3
r. Decreased requirements for graduation?	0	94	6
s. Reduced student-faculty teaching ratio?	41	55	4
t. Developed new courses to help law students acquire a background for use in nontraditional legal positions? Specify _____	15	81	4
u. Instituted new ways to utilize faculty ( <i>e.g.</i> , CLE programs or joint teaching of other university courses)? Specify _____	23	72	4
v. Developed alternative revenue sources other than tuition for the law school and its programs? Specify _____	45	51	4
w. Undertaken steps to assure competence of graduates? Specify _____	39	51	10
x. Undertake steps to maintain faculty vitality? Specify _____	51	38	11
y. Devised new ways to try to retain students once enrolled? Specify _____	29	67	4

(continued)



## EXHIBIT D

## ACTIVE SCHOOLS: PERCENTAGES

Survey of ABA Law Schools

1. <u>In the 1980's</u> , has your law school:	%	%	%
	Yes	No	No Answer
a. Undertaken a demand study for legal education?	<u>20</u>	<u>80</u>	<u>0</u>
b. Reconsidered or redefined the law school's purpose?	<u>44</u>	<u>56</u>	<u>0</u>
c. Identified areas of excellence or concentration that your school can emphasize?	<u>87</u>	<u>12</u>	<u>1</u>
d. Undertaken a marketing study?	<u>22</u>	<u>76</u>	<u>2</u>
e. Developed a more aggressive applicant recruiting program?	<u>96</u>	<u>4</u>	<u>0</u>
f. Increased your recruiting budget? Approximate increase <u>60</u> % Average of 56 reporting schools.	<u>87</u>	<u>13</u>	<u>0</u>
g. Expanded into new "markets" for prospective students (such as older adults or geographical markets)? Specify _____	<u>61</u>	<u>38</u>	<u>1</u>
h. Increased scholarships and/or other financial aid? Approximate increase <u>81</u> % Average of 41 schools reporting	<u>73</u>	<u>27</u>	<u>0</u>
i. Increased other aid to students ( <i>e.g.</i> , housing)? Specify _____	<u>17</u>	<u>78</u>	<u>5</u>
j. Increased law student placement activities and/or budget?	<u>76</u>	<u>24</u>	<u>0</u>
k. Imposed a freeze on hiring faculty?	<u>13</u>	<u>86</u>	<u>1</u>
l. Reduced the size of the faculty? Approximate size of decrease <u>11</u> % Average of 9 reporting schools	<u>10</u>	<u>90</u>	<u>0</u>
m. Reduced the size of the entering J.D. class? Approximate size of decrease <u>14</u> % Average of 37 reporting schools	<u>44</u>	<u>56</u>	<u>0</u>
n. Experienced lower LSAT and/or undergraduates grade point averages for the entering class?	<u>38</u>	<u>59</u>	<u>3</u>
o. Experienced a drop in bar passage rate?	<u>19</u>	<u>78</u>	<u>3</u>
p. Experienced a drop in minority enrollment?	<u>20</u>	<u>76</u>	<u>4</u>
q. Increased requirements for graduation?	<u>28</u>	<u>70</u>	<u>2</u>
r. Decreased requirements for graduation?	<u>3</u>	<u>92</u>	<u>4</u>
s. Reduced student-faculty teaching ratio?	<u>39</u>	<u>58</u>	<u>3</u>
t. Developed new courses to help law students acquire a background for use in nontraditional legal positions? Specify _____	<u>18</u>	<u>78</u>	<u>4</u>
u. Instituted new ways to utilize faculty ( <i>e.g.</i> , CLE programs or joint teaching of other university courses)? Specify _____	<u>21</u>	<u>76</u>	<u>3</u>
v. Developed alternative revenue sources other than tuition for the law school and its programs? Specify _____	<u>47</u>	<u>50</u>	<u>3</u>
w. Undertaken steps to assure competence of graduates? Specify _____	<u>44</u>	<u>43</u>	<u>12</u>
x. Undertake steps to maintain faculty vitality? Specify _____	<u>60</u>	<u>28</u>	<u>12</u>

(continued)

- y. Devised new ways to try to retain students once enrolled? 39   54   7  
Specify \_\_\_\_\_
- z. Do you believe the various programs and changes will be successful in maintaining your law school's present enrollment and quality? 78   12   10

**Background Information:**

- 2. Please select the response that best describes your law school:
  - a. State School 57% Private School 81% Other (Explain) \_\_\_\_\_
  - b. Location
    - New England \_\_\_\_\_ South Atlantic \_\_\_\_\_ North Central \_\_\_\_\_
    - MidAtlantic \_\_\_\_\_ South Central \_\_\_\_\_ Mountain \_\_\_\_\_
    - Pacific \_\_\_\_\_ Other \_\_\_\_\_
  - c. Total Enrollment
    - Below 300 5%   400 to 499 21%   600 to 699 18%
    - 300 to 399 15%   500 to 599 15%   Above 699 26%
  - d. Evening Division (if applicable) 33% Class enrollment 272 Average number
  - e. Graduate Legal Programs (if applicable) 24% Class enrollment 82 Average number

3. In the 1970's, did your law school change in the following aspects:

	<u>Increase</u>	<u>Decrease</u>	<u>No Change</u>	<u>Not Appl.</u>
a. J.D. Class Enrollment	<u>71%</u>	<u>3%</u>	<u>24%</u>	<u>2%</u>
b. Faculty Size	<u>94%</u>	<u>0%</u>	<u>3%</u>	<u>2%</u>
c. New Physical Facilities	<u>84%</u>	<u>0%</u>	<u>12%</u>	<u>3%</u>
d. Graduate Legal Enrollment	<u>17%</u>	<u>2%</u>	<u>33%</u>	<u>48%</u>

4. In the 1980's has your school experienced a change in the number of applications?

	<u>Increase</u>	<u>Decrease</u>	<u>No Change</u>	<u>Not Appl.</u>
a. J.D. Program - Day	<u>28%</u>	<u>53%</u>	<u>19%</u>	<u>0%</u>
b. J.D. Program - Evening	<u>10%</u>	<u>18%</u>	<u>7%</u>	<u>65%</u>
c. Graduate Programs	<u>15%</u>	<u>3%</u>	<u>8%</u>	<u>74%</u>

5. General Comments. (Please include any other programs or innovations you are considering or have undertaken either in response to the apparent national decline in applications or for other reasons.)

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Thank you.

Please return to:

Professors Doris Y. Alspaugh and Virginia V. Shue  
University of San Diego School of Law  
Alcala Park  
San Diego, CA 92110

**EXHIBIT E**  
**NON-ACTIVE SCHOOLS: PERCENTAGES**  
Survey of ABA Law Schools

1. <u>In the 1980's</u> , has your law school:	<u>% Yes</u>	<u>% No</u>	<u>% No Answer</u>
a. Undertaken a demand study for legal education?	<u>0</u>	<u>95</u>	<u>5</u>
b. Reconsidered or redefined the law school's purpose?	<u>16</u>	<u>79</u>	<u>5</u>
c. Identified areas of excellence or concentration that your school can emphasize?	<u>55</u>	<u>45</u>	<u>0</u>
d. Undertaken a marketing study?	<u>0</u>	<u>100</u>	<u>0</u>
e. Developed a more aggressive applicant recruiting program?	<u>42</u>	<u>58</u>	<u>0</u>
f. Increased your recruiting budget? Approximate increase <u>4.5</u> %	<u>3</u>	<u>95</u>	<u>2</u>
g. Expanded into new "markets" for prospective students (such as older adults or geographical markets)? Specify _____	<u>0</u>	<u>97</u>	<u>3</u>
h. Increased scholarships and/or other financial aid? Approximate increase <u>37</u> %	<u>53</u>	<u>45</u>	<u>2</u>
i. Increased other aid to students (e.g., housing)? Specify _____	<u>13</u>	<u>82</u>	<u>5</u>
j. Increased law student placement activities and/or budget?	<u>45</u>	<u>53</u>	<u>2</u>
k. Imposed a freeze on hiring faculty?	<u>8</u>	<u>92</u>	<u>0</u>
l. Reduced the size of the faculty? Approximate size of decrease <u>7.5</u> %	<u>5</u>	<u>95</u>	<u>0</u>
m. Reduced the size of the entering J.D. class? Approximate size of decrease <u>16</u> % Average of responding schools.	<u>34</u>	<u>66</u>	<u>0</u>
n. Experienced lower LSAT and/or undergraduates grade point averages for the entering class?	<u>18</u>	<u>79</u>	<u>3</u>
o. Experienced a drop in bar passage rate?	<u>24</u>	<u>74</u>	<u>2</u>
p. Experienced a drop in minority enrollment?	<u>21</u>	<u>76</u>	<u>3</u>
q. Increased requirements for graduation?	<u>21</u>	<u>79</u>	<u>0</u>
r. Decreased requirements for graduation?	<u>0</u>	<u>100</u>	<u>0</u>
s. Reduced student-faculty teaching ratio?	<u>42</u>	<u>58</u>	<u>0</u>
t. Developed new courses to help law students acquire a background for use in nontraditional legal positions? Specify _____	<u>8</u>	<u>92</u>	<u>0</u>
u. Instituted new ways to utilize faculty (e.g., CLE programs or joint teaching of other university courses)? Specify _____	<u>13</u>	<u>87</u>	<u>0</u>
v. Developed alternative revenue sources other than tuition for the law school and its programs? Specify _____	<u>32</u>	<u>63</u>	<u>5</u>
w. Undertaken steps to assure competence of graduates? Specify _____	<u>32</u>	<u>58</u>	<u>10</u>
x. Undertake steps to maintain faculty vitality? Specify _____	<u>30</u>	<u>55</u>	<u>15</u>

(continued)

- y. Devised new ways to try to retain students once enrolled? 24      74      2  
Specify \_\_\_\_\_
- z. Do you believe the various programs and changes will be successful in maintaining your law school's present enrollment and quality? 50      8      42

**Background Information:**

- 2. Please select the response that best describes your law school:
  - a. State School 43% Private School 19% Other (Explain) \_\_\_\_\_
  - b. Location
 

New England _____	South Atlantic _____	North Central _____
MidAtlantic _____	South Central _____	Mountain _____
Pacific _____	Other _____	
  - c. Total Enrollment
 

Below 300 <u>5%</u>	400 to 499 <u>16%</u>	600 to 699 <u>21%</u>
300 to 399 <u>0%</u>	500 to 599 <u>16%</u>	Above 699 <u>42%</u>
  - d. Evening Division (if applicable) 26% Class enrollment 172 Average # of 10 schools reporting
  - e. Graduate Legal Programs (if applicable) 39% Class enrollment 39 ave. # enrolled of 15 schools reporting

3. In the 1970's, did your law school change in the following aspects:

	<u>Increase</u>	<u>Decrease</u>	<u>No Change</u>	<u>Not Appl.</u>
a. J.D. Class Enrollment	<u>47%</u>	<u>5%</u>	<u>45%</u>	<u>3%</u>
b. Faculty Size	<u>76%</u>	<u>0%</u>	<u>24%</u>	<u>0%</u>
c. New Physical Facilities	<u>55%</u>	<u>0%</u>	<u>39%</u>	<u>5%</u>
d. Graduate Legal Enrollment	<u>10%</u>	<u>3%</u>	<u>42%</u>	<u>45%</u>

4. In the 1980's has your school experienced a change in the number of applications?

	<u>Increase</u>	<u>Decrease</u>	<u>No Change</u>	<u>Not Appl.</u>
a. J.D. Program - Day	<u>16%</u>	<u>60%</u>	<u>24%</u>	<u>0%</u>
b. J.D. Program - Evening	<u>3%</u>	<u>21%</u>	<u>5%</u>	<u>71%</u>
c. Graduate Programs	<u>18%</u>	<u>3%</u>	<u>21%</u>	<u>58%</u>

5. **General Comments.** (Please include any other programs or innovations you are considering or have undertaken either in response to the apparent national decline in applications or for other reasons.)

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Thank you.

Please return to:

Professors Doris Y. Alspaugh and Virginia V. Shue  
University of San Diego School of Law  
Alcala Park  
San Diego, CA 92110