

Public Administration and Policy Degree Programs in Legal Education: The McGeorge School of Law Case Study

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Here we are, at the beginning of the twenty-first century, using a model of legal education that was developed in the latter part of the nineteenth. Since that time, the nature of legal practice has changed, the concept of law has changed, the nature of academic inquiry has changed, and the theory of education has changed. Professional training programs in other fields have been redesigned many times to reflect current practice, theory, and pedagogy, but we legal educators are still doing the same basic thing we were doing one hundred and thirty years ago. Many law professors are conscientious and devoted teachers, and quite a few are inspired ones, but their efforts are constrained and hobbled by an educational model that treats the entire twentieth century as little more than a passing annoyance.

—Edward Rubin¹

If modern legal education began with the publication of Dean Langdell's contracts casebook,² it is apparent that during most of its short history it has faced sharp criticisms. In particular, the Legal Realist movement issued fundamental critiques that remain unanswered. Karl Llewellyn, in his customary florid prose, indicted legal education as an utter failure. Deriding the Langdellian model because "it blinds, it stumbles, it conveyor-belts, it

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¹ Edward Rubin, *What's Wrong with Langdell's Method and What to Do About it*, 60 VAND. L. REV. 609, 610 (2007).

² C.C. LANGDELL, A SELECTION OF CASES ON THE LAW OF CONTRACTS (1871).

wastes, it mutilates, and it empties,”³ Llewellyn urged legal educators to prepare students to lead full and enriching professional lives by educating them about the political and social context in which law operates rather than teach them how to manipulate rules with a faux-deductive method. This reconstruction would have to be both root and branch to be effective. “Law school education, even in the best schools, is, then, so inadequate, wasteful, blind and foul that it will take twenty years of unremitting effort to make it half-way equal to its job.”⁴

Llewellyn’s lament poses a multifaceted and rich challenge for American legal education. In this short article we address only one part of the necessary full response.⁵ Llewellyn and the Realists, and critical scholars who have followed in their footsteps, paid particular attention to the way in which legal education limited its task to the exposition of rules, leaving students blind to the institutional realities that shape the workings of the legal system. Llewellyn called for educators to teach the “law jobs” that students will encounter in the real world rather than have them jump through the hoops of abstract fictions and intellectualized puzzles. This new orientation is essential given fundamental developments after World War II, including the rapid expansion of the modern administrative state, the related bureaucratization of civil society, complete globalization, and the thorough interpenetration of law and social life to replace the role that shared religious belief once provided to more homogeneous societies.⁶

3 K.N. Llewellyn, *On What is Wrong with So-Called Legal Education*, 35 COLUM. L. REV. 651, 653 (1935).

4 *Id.* at 678.

5 Mootz has argued that Llewellyn called for a return to the rhetorical tradition in which law was a form of practical reasoning under conditions of verisimilitude rather than a formal system of rules. Francis J. Mootz III, *Vico, Llewellyn and the Task of Legal Education*, 57 LOYOLA L. REV. 135, 143–46 (2011); *see also* Justin Simard, *The Recurrent Current Crisis in Legal Education*, 56 WILLAMETTE L. REV. 407 (2020). Mootz has expanded on these themes in several articles devoted to a hermeneutical and rhetorical understanding of legal practice that has implications for legal education. *See* Francis J. Mootz III, *Introduction: The State and Future of Legal Education*, 45 MCGEORGE L. REV. 1 (2013); *Perelman in Legal Education: Recalling the Rhetorical Tradition of Isocrates and Vico* (2008), <https://ssrn.com/abstract=1291570>; *Vico’s “Ingenious Method” and Legal Education*, 83 CHI-KENT L. REV. 1261 (2008). We do not address these matters in this article, which is devoted to offering public policy degrees within the law school.

6 Ed Rubin provides a similar summary of the features of the modern world that the legal system must address:

The momentous developments of the 1880s and 1890s were not a temporary disturbance or a passing fad, but rather harbingers of a new era, the modern era in which we live. The twentieth century did, in fact, occur. Those decades saw the exponential growth of a national administrative state, the displacement of common law, the recognition that common law simply projects state authority, a new conception of human beings and human society, vast bodies of social science scholarship based on that understanding, new theories of learning, and new approaches to education based upon those theories. The prescription for an up-to-date, well-designed approach to legal education, simply put, takes cognizance of these developments, rather than ignoring them or rationalizing them away.

Rubin, *supra* note 1, at 650. As Rubin explains, the “great irony of legal education is that it is not only out of date, but that it was out of date one hundred years ago.” *Id.* at 611.

Can legal education, at long last, address the challenges of contemporary society? Interestingly, a road map was suggested in the middle of the last century that still holds relevance for contemporary discussions. In a remarkably prescient article, Harold Lasswell and Myres McDougal argued for the joining of legal education and public policy to provide professional training that would serve the public interest.⁷ Taking direction from Llewellyn's critique, they insisted that lawyers should not be educated as technocrats devoted to serving the powerful economic and political vested interests. Llewellyn's primary message was that law students should be steeped in the liberal arts to cultivate prudent judgment and wise leadership for the benefit of society,⁸ but his focus is certainly congenial with, if not inevitably connected with, reorienting legal education to encompass policy science.

Lasswell and McDougal propose an audacious and fundamental reconfiguration of legal education to achieve the vague promises by the Realists to integrate law and the social sciences.⁹ "What we propose is that training in the distinctive core of the lawyer's repertory of skills and information be given a new sense of purpose and new criteria of relevance."¹⁰ This grand proposal was doomed to failure, however, because of the scope of the project. Developing a "policy science would require major retooling of law professorial skills and orientation,"¹¹ given the extreme positivism of legal education. The "Legal Positivist mythology that courts find domestic law from sources such

Langdell's creative innovations addressed yesterday's problems and never engaged with the developing new realities.

7 Harold D. Lasswell & Myres S. McDougal, *Legal Education and Public Policy: Professional Training in the Public Interest*, 52 *YALE L. J.* 203 (1943). Lasswell was a political scientist who served as Visiting Sterling Lecturer at Yale Law School, and McDougal was a Professor of Law at Yale Law School.

8 KARL N. LLEWELLYN, *THE STUDY OF LAW AS A LIBERAL ART*, IN *JURISPRUDENCE: REALISM IN THEORY & PRACTICE*, 375-94 (1962).

9 They explain that heroic "but random efforts to integrate 'law' and 'the other social sciences' fail through lack of clarity and *what* is being integrated, and *how* and *for what purposes*." Lasswell & McDougal, *supra* note 7, at 204.

10 *Id.* at 216. As they describe legal education, it is a stunted exercise that disserves democratic society. It should be obvious that our existing law school curriculum is not adequately oriented toward achieving the distinctive values and conditioning variables of a free society. For the most part the organizing principle still appears to be legal technicality; problems are defined and classified in terms of overlapping legal concepts of high-level abstraction rather than in reference to social objectives. *Id.* at 232.

Little orientation is given in the historical and contemporary trends that are most helpful in determining what problems are most important and what objectives are most practicable, and in supplying the background necessary to the formation of realistic judgments about such important problems as do find their way—more often by accident than design—into the present curriculum. *Id.* at 233. Presaging what has become a constant refrain, they conclude that legal education is too focused on a single institution: "the appellate court and the norms it announces."

11 Jack Van Doren & Christopher J. Doederer, *McDougal-Lasswell Policy Science: Death and Transfiguration*, 11 *RICHMOND J. OF GLOBAL LAW & BUSINESS* 125, 133 (212).

as constitutions, cases and statutes, largely exclusive of policy, has carried the day and contributed to the demise of policy science in the domestic United States.”¹² Put simply, legal elites don’t wish to concede that their practice is essentially politics rather than rigorous and univocal reasoning.¹³ Additionally, at the time that Laswell and McDougal wrote, the interdisciplinary approach to public policy formation and enforcement was still nascent.¹⁴ Consequently, any attempt to implement the Legal Realist movement as a positive program by developing policy science within the law school has been declared “virtually dead” in the United States domestic scene.¹⁵

Where do matters stand today? Despite unremitting and persuasive critiques of legal education, the inertia of the status quo remains quite strong. This leads commentators to endorse minimalist proposals that can be adopted without wreaking havoc on the 150-year-old model of legal education and its solidified vested interests.¹⁶ For example, many schools now acknowledge the relative insignificance of the common law by requiring first-year students to take courses in regulatory law, transactions, and international law. Nevertheless, the integration with law remains woefully inadequate.

If law has failed to take bold steps, the same may be said of public policy and administration programs. Andrew Osorio observes that American public administration is of law and from law.

Public organizations exist to administer the law, and every element of their being—their structure, staffing, budget, and purpose is the product of legal authority.”¹⁷ Accordingly, Rosenbloom, O’Leary, & Chanin argue “any vision of public administration that ignores the contemporary legal dimension is seriously inadequate”.¹⁸ Unfortunately, the subject of law (in all its myriad forms) continues to suffer from the “anti-legal temper”

12 *Id.* at 156.

13 *Id.* at 145.

14 Rubin, *supra* note 1, at 635-40. The Network of Schools of Public Policy, Affairs and Administration (NASPAA), which serves as the principal accreditation body for public service programs, was not formed until 1970. University programs to support and develop professionals in public service had been offered for four decades. By the 1970s, public administration degrees were offered widely, frequently within departments of political science. Master of Public Policy degree programs began to be offered in the 1960s. Today, many programs operate within their own department, and offer highly interdisciplinary curricula.

15 Van Doren & Doederer, *supra* note 11, at 125 (noting that the movement has had some effect through the New Haven School of International Law).

16 *See, e.g.*, Rubin, *supra* note 1.

17 DONALD R. KETTL, *THE POLITICS OF THE ADMINISTRATIVE PROCESS* (6th ed. 2015).

18 DAVID H. ROSENBLUM, ROSEMARY O’LEARY & JOSHUA CHANIN, *PUBLIC ADMINISTRATION AND LAW* (3d ed. 2010).

of public administration scholarship.¹⁹ Neglect of the legal foundation is evidence by the relatively few public administration scholars who have published work primarily on matters of law, or legal institutions, over the last two decades.²⁰ This trend reveals “a remarkable contradiction between what is happening in public-administration science and in public-administration practice. In the former, legal approaches have been displaced by managerial and political approaches. This shift sharply contrasts with the continuous legalization and juridification of public administrative practice. Public-administration practice has gradually converged with the law.”²¹

In this article we provide a short case study of the strategy adopted by the McGeorge School of Law of the University of the Pacific to steer a course between wholesale reconstruction of legal education as a policy profession, on one hand, and tinkering with courses in the required curriculum to expose law students to pertinent topics and modes of analysis on the other hand. In fall 2016, McGeorge launched new Master of Public Administration (MPA) and Master of Public Policy (MPP) degrees within the law school. This marked the first time that public service degrees had been offered by an ABA-accredited law school. Although there were many factors in play in the decision to offer these degrees, an important substantive consideration was to develop interdisciplinary synergies of legal education and policy studies as a step toward addressing the long-standing isolation of legal education in a professional cul de sac. By housing law degrees and policy degrees within a law school, McGeorge provided a basis for the continued integration of faculty, students, and curricula to develop an appropriate educational experience for the twenty-first century. Whether this opportunity will be realized in the future is highly uncertain, as the inertia of academic silos continues to exert tremendous force. But McGeorge has taken a significant first step.

This article is organized in three parts. First, we review the adoption of the policy degree programs to provide a practical and concrete guide for other schools interested in pursuing this path. Other schools may face very different institutional hurdles and roadblocks, but it is almost certain that they will encounter some form of resistance. Second, we describe the interdisciplinary character of the policy degrees, which emphasizes legal education at their center. This side of the equation is being realized already and can be deepened. Finally, we hypothesize that the introduction of policy degree programs in a

19 DWIGHT WALDO, *THE ADMINISTRATIVE STATE: A STUDY OF THE POLITICAL THEORY OF PUBLIC ADMINISTRATION* (2d ed. 1984).

20 Andrew A. Osorio, et al., *Systematically Reviewing American Law And Public Administration: A Call For Dialogue And Theory Building*, 4 *PERSPECTIVES ON PUBLIC MANAGEMENT AND GOVERNANCE* 100, 100-17 (2021).

21 Stavos Zourdis, *Rule Of Law Or Law Overruled? Why The Rule Of Law Should Be On The Public Administration Research Agenda*, 4 *NISPACEE J. OF PUB. ADMIN. & POL'Y* 23, 23-37 (2011). The quoted paragraph is from course material prepared by Andrew Osorio (on file with authors).

law school may open the path, at long last, to rehabilitating legal education. Integrating policy studies is not the only approach to reforming legal education, but it is an important step. It is important to underscore that this case study does not claim universal significance, but neither is it merely anecdotal. We believe that the experience at the McGeorge School of Law may prove to be an important first step toward the reenvisioning of legal education in a policy frame.

The Launch of Public Policy Degrees Offered by the McGeorge School of Law

McGeorge School of Law provided a distinctive site for the exploration of public-policy-centered education. McGeorge is an ABA-accredited law school of a comprehensive university in the capital of the most populous state in the United States. In 2015, at the time of these actions, California's was the seventh-largest economy in the world. Moreover, many McGeorge graduates have experienced excellent careers in the capital region. The law school has long maintained a Capital Center for Law and Policy as a center of excellence that coordinates its role of preparing professionals for careers in the Capitol.

McGeorge has a large presence in Sacramento, with its graduates regularly topping lists of most influential lawyers in this region. It is ranked number two among government law programs in the nation. The McGeorge commitment to effective professional education, its positive reputation, and large alumni base in public service careers all provided a solid foundation on which to build new MPA and MPP degree programs.

Sacramento, the capital of the state of California, is an extraordinary location in which to study public affairs and in which to launch or build a career in public service, with a full range of well-developed domestic public policies. Indeed, in most areas of domestic public policy, from natural resources and the environment through workplace safety or unemployment insurance to marital status, California has public policies that precede national policies, sometimes by decades. It is often considered at the forefront of public policy making among states. The University of Southern California established an MPA program in Sacramento in the 1970s, and California State University, Sacramento, launched a Master of Public Policy and Administration degree more than twenty-five years ago. With the thirteen-acre McGeorge campus less than four miles from the state Capitol, there was a natural reason to pursue a policy-focused strategy.

A. Development of the Concept and Approval of the Degree Programs

To analyze the newly adopted McGeorge policy programs, we use as a prism Barth's²² "reflections" on building an MPA program and the recent analysis of

22 Thomas J. Barth, *Reflections on building an MPA program: Faculty discussions worth having*, 8 J. OF PUB. AFFAIRS EDUC. 253, 253-61 (2002), <https://www.jstor.org/stable/4021579>.

organizational forms for public service programs by Perry and Mee (2022).²³ This permits us to situate the McGeorge programs in the context of existing policy programs at other schools.

There are important distinctions between Barth's experience and the McGeorge experience. Barth engaged in four years of organizational work, after which the University Board of Governors approved a new MPA and admitted the first cohort of students. In contrast, the development and launch at McGeorge were much more compressed. Legal education faced a "perfect storm" of declining enrollments, stagnation in the legal market and general economic turmoil after 2010. Within a year of arriving on campus in 2012, Dean Mootz had overseen the approval of a new Master of Science in Law (MSL) degree to serve the educational needs of lobbyists and others working in the capital in positions that do not require a legal license. Several law schools adopted similar graduate programs in an equally expedited fashion.

Following this model of quick development, in spring 2014 Dean Mootz worked with Dean Lewis Gale of the university's business school to develop a plan for expanding the professional master's degrees offered on the Sacramento campus, which at that time was exclusively the home of the McGeorge School of Law. The provost and two deans charged Clark Kelso, professor of law, and Jeff Michael, director of the university's Center for Business and Policy and Research, to evaluate and develop concepts for master's degrees at the intersection of business, law, and public policy. Both were deeply experienced in public policy in California government and veterans of the university. They proposed a joint venture between the Eberhardt School of Business and the McGeorge School of Law to collaboratively offer master's degrees in business administration, public administration, public policy, and nonprofit management. This approach would fit within the existing models of MPA degrees (Perry and Mee, 2022) described in the next section.

However, the joint venture to create synergistic interdisciplinary offerings in law, policy, and business proved to be too complex for the university. The university administrative and financial structure required new programs to be housed within an existing academic unit, creating an administrative barrier to a joint venture. In addition, many of the business school faculty were not interested in public administration and collaboration with the law school, and the proposal failed to gain sufficient support from the business school.

At this point, Professor Michael had developed a cogent analysis of the potential student demand for graduate public administration and public policy degree programs. Working with Dean Mootz, Professors Michael and Kelso developed a proposal for the law school to offer such programs within the law school on the foundation of programmatic strengths in government law and the recent adoption of the MSL degree. After securing the support of the law faculty, Dean Mootz worked with Professors Kelso and Michael to

23 James L. Perry & Emily D. Mee, *The evolution of organizational forms for public service education*, 28 J. OF PUB. AFFAIRS EDUC. 3, 3-34 (2022), <https://doi.org/10.1080/15236803.2021.2025330>.

develop detailed and data-rich formal degree proposals for presentation to the university in late fall 2014.

In April 2015, the University of the Pacific Board of Regents approved the offering of both the MPA and MPP degrees by McGeorge School of Law, with an initial allocation of funding for the start-up phase from a designated Strategic Investment Fund. As is common at private universities, the programs were approved on the premise that they would be financially self-sufficient, covering all direct and indirect costs, plus a university administrative charge. The plan was to market the unique character of the programs being housed within a law school and to match that distinctiveness in the hiring of faculty and development of a curriculum.

B. Creating and Staffing the Policy Degree Programs

The provost authorized Dean Mootz to conduct a national search for a founding director with a strong background in public administration education and professional experience in the nonprofit or private sector. Several candidates for the position had interesting academic backgrounds, including specialization in political science and political philosophy. Rather than pursue these options, the committee selected John Kirlin to begin as the founding director and distinguished professor of public policy in July 2015. He had four decades of experience as a leading faculty member and academic administrator at top programs across the country. Most of Kirlin's academic research focused on public policy making and implementation in California and had recently served for several years as executive director of two successful state public policy initiatives regarding natural resources. Kirlin brought to the role strong academic knowledge and experience in public administration and policy, deep current experience in California public policy processes, and a sophisticated understanding of legal processes despite not having a J.D. He was charged with building the policy programs to complement the law school's strong focus on law and policy.

Kirlin began rounds of discussions within McGeorge, other university actors, and an informal group of eleven experienced public-sector professionals in the Sacramento area, plus two longtime academic colleagues with deep experience. Those with direct experience included a past legislative analyst; head of the Legislative Analyst Office, California Legislature; the former city manager of both the city of Sacramento and Cincinnati, Ohio; a past director of the California Department of Finance; the president of the Association of Independent California Colleges and Universities; and an individual (holder of J.D.) who had been mayor of Sacramento, a member of the California Assembly, a legislative advocate, and a leader in efforts to improve both public policies and public policy implementation. Those with academic experience included a successful dean of a top-ranked public administration/public policy school; and an individual who had been president of the American Society for Public Administration and editor of *Public Administration Review*, among other roles.

The McGeorge faculty were presented with a fully elaborated design of both the MPA and MPP degree programs and course descriptions in August 2015. These were approved during the fall 2015 semester, with classes beginning in fall 2016. Elements of the design and course descriptions were refined over the first years of operations, with adjustments to course descriptions to better match student needs and faculty competencies. However, the four core competencies—in law, public policy formation and implementation, public administration/management, and quantitative analysis—endure.

C. Comparing the McGeorge Policy Programs with Other Models

Perry and Mee (2022) place public service programs into three categories: stand-alone school of public service, department or program of public service, or department of political science. In this schema, the McGeorge programs are in the second category. In their supplementary material the authors provide eight more “operational definitions by organizational forms,” also advancing expected “patterns of activity” and “normative order” for each formal structure.²⁴

The programs at McGeorge do not fit easily into this classification. Of these, McGeorge is closest to a “department dedicated to public administration/public policy.” However, the degree programs are not housed in a formal department, because of the desire to avoid conflict and controversy with the University Political Science Department in Stockton. Dean Mootz fully intended to create two departments in the law school (one for law, and one for policy) once the programs were fully built out and established. The interim solution works well because there are fewer than fifty full-time faculty members at McGeorge, and it has well-functioning committees. In practical terms, however, the MPA and MPP programs operate as if they were a department. They have a defined budget, two academic degrees, their own “PUB” prefix for courses (in contrast to the “LAW” courses of the J.D. program), and defined processes for appointment of faculty within McGeorge. Admissions and recruitment are coordinated with the university graduate admissions rather than the law school’s assistant dean of admissions. The program director reports to the Dean of McGeorge, having responsibility for the academic program, student affairs, academic and staff personnel, and budget of the programs. The degree to which various services are provided within the program by McGeorge and the university continues to evolve. It has no undergraduate or doctoral students.

The Interdisciplinary Character of Public Policy Programs Offered within a Law School.

To a casual observer, the development of the policy programs within the law school might be seen simply as an effort to generate additional revenue for the law school, much as the MSL is sometimes viewed. Housing the programs

²⁴ *Id.* at Appendix 1.

in a law school could also be deemed a practical concession to the reality that the law school was the only school operating on the Sacramento campus, and the policy programs are necessarily located near the Capitol. Admittedly, these pragmatic considerations were relied on to secure approval, but the law school faculty (certainly, the dean) regarded this as an opportunity to garner the interdisciplinary distinction and benefits that had been discussed as part of the proposed joint venture with the business school.

A. The McGeorge Programs Move beyond Expectations of Public Administration Scholars

The public administration literature provides little guidance on which elements of a J.D. curriculum would be most beneficial for MPA and MPP students. Despite common assertions that the law is central to the practice of public administration, most master-level programs do not require any law-based courses, and the focus of any law-based courses differs. Hartmus (2008)²⁵ analyzed information on 100 NASPAA-accredited MPA programs, finding that only four required administrative law in their core curriculum, with an additional seventeen identifying such a course as an elective. Five offered, but did not require, constitutional law. Information was available on the faculty of seventy-nine of the 100 programs, of which forty-seven had at least one faculty member with a J.D. or a J.D. and a Ph.D. degree. Six programs had a joint J.D. and MPA degree program. Holzer and Lin (2007) found that a majority of forty-six MPA programs offered an administrative law course, and that coverage of “legal processes” in the curricula increased from fewer than twenty percent of programs in 1975 to seventy percent in 2006.

Szypszak (2011)²⁶ completed a similar analysis of internet sites of the twenty-five top-ranked programs in the *U.S. News & World Report*, finding only four that required a law-based course, with nine others offering elective courses in administrative or constitutional law, plus eight others which offered a policy-area law course (e.g., environmental law, labor law) as an elective. The remaining four programs offered no law-based courses. He argues for broad coverage of legal issues (constitutional, due process/equal protection/civil rights, freedom of speech/religion/information, administrative law and procedure, property, contracts/companies, employment, torts, criminal law/procedure, public ethics, civil litigation/alternative dispute resolution, and managing the lawyer relationship).

Newbold (2011)²⁷ argues, “If the historical, political, intellectual, and institutional legitimacy of the American administrative state is found only

25 Diane M. Hartmus, *Teaching constitutional law to public administrators*, 14 J. OF PUB. AFFAIRS EDUC. 3253, 3253-360 (2008), <https://doi.org/10.1080/15236803.2008.12001530>.

26 Charles Szypszak, *Teaching Law in Public Affairs Education: Synthesizing Political Theory, Decision Making, and Responsibility*, 17 J. OF PUB. AFFAIRS EDUC. 483, 483-99 (2011), <https://doi.org/10.1080/15236803.2011.12001658>.

27 Stephanie Newbold, *No Time Like the Present: Making Rule of Law and Constitutional Competence the Theoretical and Practical Foundation for Public Administration Graduate Education Curriculum*, 17 J. OF PUB. AFFAIRS EDUC. 465, 465-81, 467 (2011), <https://www.jstor.org/stable/23036122?seq=1>.

within the nation's constitutional heritage, then the core curriculum of an MPA/MPP education must have a legal and constitutional foundation course as a degree requirement." Specifically, she advocates attention to the (1) rule of law and constitutional competence, (2) constitutional legitimacy of American public administration, (3) oath of office, (4) public-sector decision-making in a separation-of-powers regime, and (5) conservation of public bureaucracies. These are to be engaged through readings and analyses of cases.

In establishing the McGeorge MPA and MPP programs, it was decided to require two courses already present in the law school curriculum. Moreover, these courses are taught by LAW faculty, reflecting strong integration of the degrees into McGeorge. Introduction to Legal Analysis had been developed as a first course for students pursuing the Master of Science in Law (MSL) degree. It was not taken by J.D. students but was taught by a member of the law school faculty. This course covers the structure and roles of courts in the United States and emphasizes analyses of cases, legal research, and writing. From the perspective of those writing on the role of law in public administration, this addresses Newbold's (2011) emphases on rule of law and constitutional competence and constitutional legitimacy of American public administration, and Koenig's (1998)²⁸ goal of competence in analyzing cases. For this program, it also prepared students to succeed in Statutes and Regulations, a course required of second-semester 1L J.D. students who would have completed five LAW courses in their first semester and would be enrolled in more during the second term. In the coming year this course has been expanded to three units, reflecting the importance it has in the curriculum.

Statutes and Regulations had become a required course for all McGeorge J.D. students in 2013, in recognition of the importance of this area of law in a complex society, especially in the state capital of California. This required a substantial restructuring of the curriculum to make room for the new three-credit course in the first year. Administrative Law is taught as an elective LAW course. Leib (2008)²⁹ analyzes the impacts of Harvard Law School's requiring a Legislation and Regulation course in its first-year curriculum. Though several other law schools had required a similar course before, and there were statutory elements in first-year contracts, civil procedure, and criminal law courses, unanimous approval of the change by the Harvard Law School faculty of this stand-alone course elevated attention to the issue among law schools as they refined curricula for the J.D. degree.

The MPA and MPP programs schedule a special summer offering of this course taught by a full-time McGeorge Law faculty member, but a few students each year enroll in the day or evening sections with J.D. students. Students who complete a six-unit area of concentration, optional for the MPA

28 Heidi Koenig, *Teaching Law in Public Administration: The Use of Case Analysis*, 4 J. PUB. ADMIN. EDUC. 19, 19-24 (1998), <https://www.jstor.org/stable/40215367>.

29 Ethan J. Leib, *Adding Legislation Courses to the First-Year Curriculum*, 58 J. LEGAL EDUC. 166, 166-89 (2008), <https://www.jstor.org/stable/42894064>.

and required for the MPP degree, will take more LAW courses, as twenty-four of the possible thirty-five courses across the four areas of concentration are LAW courses. Among these, Administrative Law is an option in three of the four areas of concentration. In all LAW courses, students use the analytic skills of a lawyer and are also exposed to a different pedagogy than in PUB courses.

At McGeorge, the two courses provide students useful legal analytic skills and a foundation in statutes and regulations, the context in which many will work. The state of California, like most states and the federal government, offers few direct services. State highways, prisons, and parks are among the few direct services. Most state policies and programs are implemented through regulations and/or grants of funds to local governments. Moreover, effectively all state and local governments in California have legal staffs to advise on matters of law and to litigate issues as needed. Approximately 4,500 attorneys are employed by the state of California as attorneys, administrative law judges, or hearing officers. California local governments either employ lawyers or contract for legal services.

Department heads, city managers or county administrators will be involved in hiring lawyers, but most professionals in public service will be working within policies and programs already judged legally sufficient. The primary benefits of the two law classes required of McGeorge policy students are: (1) establishing/reinforcing that all public action rests on a foundation of constitutions, laws, statutes, and court decisions, (2) grounding students in the useful tools of legal analyses, and (3) providing tools with which to understand the nuances of statutory construction. Students who pursue an area of concentration will often take Administrative Law, and others will enroll in courses such as Environmental Law or Water Law, learning about foundational statutes and regulations in these areas.

B. Student Success in the Distinctive Policy Programs

The graduates of the McGeorge policy programs have indicated strong approval of the law-focused curriculum. The statistics from the first years of operation are impressive. As of December 2022, 150 individuals have now graduated from the programs, 126 earning the MPA and twenty-four earning the MPP. Three of these recent graduates were dual-degree students who also completed a J.D., and two current students are in the joint J.D. program. A few students transferred from the J.D. program into the MPA program after their first semester or year of law school. The MPA and MPP programs' students are extremely diverse in race, age, and experience. Reflecting California's population, the program's students have been majority nonwhite since its inception, and the current student body is approximately thirty percent white. Hispanic students have grown to about thirty-five percent of enrollment, and Asian and Black students have each ranged between ten percent and twenty percent of enrollment. Incoming students have ranged between twenty-one and sixty-five years of age, with a median age of twenty-nine. The typical MPA and MPP student is a few years older than the typical J.D. student

at McGeorge and is more likely to be enrolled part time. Since the start of the COVID-19 pandemic, enrollment has declined, particularly among mid- and early-career students, who appear to be more attracted to fully online programs. The programs were fully in-person before the pandemic, and the programs are now increasing online courses and shifting to a hybrid program model to better meet students' changing needs.

Like many programs, McGeorge enrolls students who are career starters, in careers, and changing careers. To best accommodate this variety, all PUB classes meet in the evenings or on Saturdays, including online courses. One benefit of this schedule is that those beginning careers can take advantage of opportunities for internships or even beginning-level full employment. Recent graduates have had significant success advancing and launching public service careers, and many credit this program structure and the enhanced exposure to law in alumni surveys. However, a disadvantage of this schedule is that it makes integration with the J.D. program, both academic and extracurricular, more difficult.

Recent graduates have had significant success advancing and launching public service careers, and in alumni surveys, many credit this program structure and the enhanced exposure to law. In an extraordinary example, a student from Texas with no prior public-sector experience began the program in fall 2017 as a twenty-two-year-old. Securing work as an analyst in a health department during their studies, they became a budget analyst at the Department of Finance upon receiving the MPA (2019). After a short period at the City and County of San Francisco as a financial analyst in public works, they were selected in February 2021 as an assistant deputy director (with rank of a career exempt appointee) to formulate, oversee, and administer a department's five-year \$1.1 billion capital financing program. They report: "[K]nowing how to interpret law and cases that have set precedent has been extremely helpful in my career in the public sector . . . [including] . . . when working on budgetary issues before the legislature." Other program alumni are experiencing success moving into management roles at a variety of agencies, nonprofits, consulting, and key staff positions in the state Legislature.

C. Building for the Future

In 2021, Jeff Michael was appointed as the programs' second director, succeeding John Kirlin, who remains as distinguished professor of public policy. As discussed earlier, Michael was one of the two lead faculty members involved in the initial feasibility study and program proposal and stayed engaged through program launch, with a joint appointment between the McGeorge policy programs and the School of Business for the first five years of the program. Six years after enrolling its first students, McGeorge is moving to increase the integration of the programs into the school of law and building the programs for future success. For example, as the MPA and MPP programs transition from an in-person to a hybrid instructional mode, they are collaborating with McGeorge's existing online MSL program to increase course

offerings and best practices for online instruction. In addition, McGeorge is providing dedicated career advising support in a career development office that exclusively served the J.D. program in the past.

On the faculty side, McGeorge has established a permanent faculty committee to oversee and support the public policy programs. The faculty intends to add full-time professors with competencies in both law and policy and to integrate better with the McGeorge law faculty members. Finally, after five years of operation and over 100 graduates, the MPA program is now eligible to pursue Network of Schools of Public Policy, Affairs, and Administration (NASPAA) accreditation and was approved in July 2022 to enter the self-study stage of candidacy by NASPAA. If successful, the University of the Pacific McGeorge School of Law MPA program will be the first to earn initial NASPAA accreditation within a law school.

Concluding Thoughts on the Significance for Legal Education of Offering Public Policy Degree Programs in a Law School

Law programs can increase their public policy content, and public affairs programs can increase their legal content, without taking the further step of creating policy degree programs in a law school. In many law schools there is already a history of collaborating in scholarship with nonlawyers on public policy issues, particularly in special issues of law reviews.³⁰ The benefit of deep program integration may make less formal collaborations easier because faculty members are in close contact. For example, Michael and Mootz recently co-authored an article on the policy and legal issues attendant to defining “employee” status for workers in platform economies.³¹ Additionally, Mootz added a chapter to his employment law casebook that required students to apply the aspirational eightfold method of policy analysis and had Kirilin lecture on that material to his class.³² Michael, an economist, was recently invited by another law school to contribute to its symposium on housing policy because of his affiliation with McGeorge and is collaborating with law faculty at another university on development regulations.³³ This is just a beginning, and the amount of interdisciplinary scholarship and pedagogy will undoubtedly expand as the programs expand and develop. In this article we have attempted to identify the benefits that are achieved by the deeper integration made possible by offering policy degree programs in this setting.

30 See, e.g., John Kirilin, *The Impact of Fiscal Limits on Governance*, HASTINGS CONSTITUTIONAL LAW QUARTERLY 25, 195 (1998); John Kirilin & Jeffrey Chapman, *Land Use Consequences of Proposition 13*, 53 SOUTHERN CAL. L. REV. 95, 95-124 (1979).

31 Francis J. Mootz III & Jeffrey Michael, “Freedom’s Just Another Word for Nothin’ Left to Lose”: *The Ongoing Struggle to Properly Regulate the Gig Economy in California*, 21 REVISTA DA AGU, BRASILIA-DF 17, 17-44 (2022).

32 FRANCIS J. MOOTZ III, ET AL., LEARNING EMPLOYMENT LAW 1142-46 (2019).

33 Jeffrey Michael & Stephen McCarty, *Reforming Housing Impact Fees to Support Housing Affordability: Analyzing the Impact of Proposed Legislation Through a Case Study of Four Inland California Cities*, CAL. WESTERN L. REV. (Spring 2023 Symposium).

Since these programs began at McGeorge School of Law in 2016, we are aware of two other ABA-accredited law schools that have started offering similar degrees. The University of Montana recently moved a long-established NASPAA-accredited MPA program from the political science department to the school of law, where it resides as a separate department of public administration and policy within the Baucus Institute. In July 2022, Vermont Law School renamed itself Vermont Law and Graduate School and is launching master's degrees in public policy. While created by a previously stand-alone law school, these new programs will be housed in a graduate school with its own dean.³⁴ As these examples illustrate, the process and structure will vary across institutions, and there will likely be more in the future. Both legal and public affairs education should benefit as a result.

Different methods of implementation provide flexibility in the approach taken as schools develop the interdisciplinary programs to suit their capacities and goals. The method with the fewest start-up costs and challenges would be to merge an existing public policy program with an existing law program. Of course, in bringing together two programs that likely have had minimal contact with each other, there is a risk that the interdisciplinary educational program will not be realized. A second approach is to develop new programs in public policy and administration within an existing law school, as at McGeorge. The extent of articulation and integration between the new MPA and/or MPP and existing J.D. programs requires clear initial commitments and then adjustments over time. Inevitably, the law school plays the more prominent role at the start. This can require deft handling of accreditation issues to ensure the distinctiveness of the law program as a professional degree leading to licensure. Moreover, ordinary academic turf battles within the university can complicate matters. Additionally, as at McGeorge, the ability to achieve the potential of having a public policy program within a law school necessarily must be deferred in favor of successfully launching the program with stable enrollments and financial security. Finally, a university could choose to make a bold move by building a school of law and policy from the beginning as an integrated program. This approach poses potential accreditation issues if the university already operates a law school, but careful structuring of the enterprise would offer the most opportunity for successful realization of the Legal Realist goal of, at long last, expanding the potential of legal education by acknowledging its deep connections with public administration, public policy, and politics.

34 Trevor Mason, *Vermont Law School changes name and adds master's programs*, THE NATIONAL JOURNAL (July 5, 2022), <https://nationaljurist.com/national-jurist/news/vermont-law-school-changes-name-and-adds-masters-programs/#:~:text=Vermont%20Law%20School%20changed%20its,an%20anonymous%20%248%20million%20donation.>