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ASSURING QUALITY IN THE TRANSITION TO PRACTICE: THE LINK BETWEEN LEGAL EDUCATION AND THE PROFESSION

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I. WHAT WE KNOW ABOUT THE PRACTICING BAR IN THE UNITED STATES

- The number of lawyers in the United States more than quadrupled in the last half of the twentieth century, increasing from 200,000 at the end of World War II to over 850,000 in the 1990s.
- New entrants to the profession began to increase in 1972 when admissions to law schools reached more than 20,000 and then increased to an average of 30,000 in the 1980s.
- In 1965, less than four percent of lawyers newly admitted to the bar each year were women. In contrast, thirty-eight percent of new annual admissions in 1994 were women.
- The overall gender composition of the profession has been dramatically altered during this period—from eight percent female in 1980 to twenty-four percent female in 1995.
- The median age of the U.S. legal profession has declined from forty-five in 1971, settling at forty-three by 1995.
- The principle employment setting in the United States has increasingly become private practice, moving from sixty-eight percent in 1980 to seventy-four percent in 1995.¹

* Ph.D.; American Bar Foundation.

1. American Bar Foundation, *The Lawyer Statistical Report: The U.S. Legal Profession in 1995* (1995).

II. WHAT WE KNOW ABOUT BAR PASSAGE RATES IN THE UNITED STATES

- Eventual bar passage rate for all participants is 94.8%.*
- Eventual bar passage rate for all study participants of color is 84.7%.
- There are substantial differences in eventual bar passage rate among people of color:
 - American Indian, 82.2%
 - Asian, 91.9%
 - African American, 77.6%
 - Mexican American, 88.4%
 - Puerto Rican, 79.7%
 - Hispanic, 89.0%
- These differences compare to the eventual passage rate of Caucasians that is 96.7%.
- First-time bar passage rates are lower than eventual bar rates.
- Overall first-time bar passage rate is 88.6%.
- Rates for separate groups range from 66.4 to 91.9%.
- Rates for all groups improved significantly with re-testing.
- There are differences in bar passage rates by law school cluster and differences within cluster among members of different racial-ethnic groups, suggesting that the characteristics of law schools may also be related to bar passage rates.²

The primary state bar exam for foreign attorneys is the New York State Bar Exam. On average, 800–1000 foreign lawyers take this bar each year. The passage rate for these attorneys is approximately fifty percent. The New York State Bar Examiners report a steady increase in the number of attorneys sitting for this bar over each of the last five years. They expect an additional increase of at least 100 attorneys this year.

Five states in addition to New York specifically state that they allow foreign attorneys with an LL.M. to sit for their state bar exam. These states are: Arizona, California, Michigan, Montana, and South Carolina.

2. LAW SCHOOL ADMISSION COUNCIL, LAW SCHOOL ADMISSION COUNCIL NATIONAL LONGITUDINAL BAR PASSAGE STUDY. *Percentages cited are from this particular study.

III. WHAT WE KNOW ABOUT THE CURRENT GENERATION OF STUDENTS

- Motivational forces distinguish them from their predecessors in the profession.
- Key words are:
 - Colleagues
 - Environment
 - Immediacy
 - Impact
 - Affluence
- Dollars are the “golden handcuffs” of educational debt and inflated salary.
- They perceive and contribute to a growing divide between the academic and the professional domains.
- They exercise “consumerism” in a range of decisions including:
 - Law School
 - Curriculum
 - Course Content
 - Employment
- Their venue is the international arena:
 - Targeted admissions of the international student
 - LL.M. programs for attorneys educated outside the United States
 - Foreign summer programs
 - International internships³

IV. WHAT WE KNOW ABOUT THE INTERNATIONAL JOB MARKETPLACE AND THE TRANSITION TO PRACTICE

- U.S. law firm programs for foreign associates.
- U.S. law schools target employers outside the US for jobs while U.S. law firms target these same employers for lateral lawyers.
- Foreign U.S. firms recruit in the US.
- Market Expansion:

3. NATIONAL ASSOCIATION FOR LAW PLACEMENT FOUNDATION FOR RESEARCH & EDUCATION, KEEPING THE KEEPERS: STRATEGIES FOR ASSOCIATE RETENTION AND PERCEPTIONS OF PARTNERSHIP: THE ALLURE & ACCESSIBILITY OF THE BRASS RING; The ABA website and anecdotal information in addition to these sources also used.

- Multinational
- Multidisciplinary
- Multijurisdictional
- Example: Georgetown University Law Center has more than 1000 alumni in 115 countries.

V. IMPLICATIONS

- Legal education admission and financing challenges
- Reinventing the curriculum
- Bar passage rates
- Realities of an international job market
- Cooperative ventures