

## Law for All? The First Thing We Do, Let's Educate the Non-Lawyers

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Renee Newman Knake, *Democratizing Legal Education*, 45 **Conn. L. Rev.** (forthcoming, May 2013), available at [SSRN](#).

What are the public duties of law schools? Specifically, what duty, if any, do law schools have to educate people outside of the profession, such as clients, would-be clients, and ordinary citizens and consumers? Do law schools have a duty to promote public access to legal information and services?

Most of the recent call for U.S. legal education reform has focused on the interests of lawyers and problems of access to the profession, such as rising law school tuition, the contraction of the legal job market, and law schools' duty to provide prospective lawyers with accurate job market data. Such concerns about "the economics of legal education" for lawyers are the subject of a recent [letter](#) from a coalition of legal academics to the ABA Task Force on the Future of Legal Education.

Of course, these are important concerns and accurate data is a public good. Most would agree that [transparent reporting](#) is one "public" duty of law schools. But are there not others—for instance, a duty to promote public awareness of and access to law and lawyers? If so, how might law schools, individually and collectively, begin to operationalize such a mission?

Professor [Renee Newman Knake](#) offers her vision in a forthcoming paper calling for the "democratization" of legal education. Knake argues there is an untapped market for legal information and services potentially worth billions of dollars, but this market is stymied by inefficient delivery and "a fundamental lack of knowledge among most of the public about law, lawyers, and legal services." To address these problems, Knake urges law schools to "fuel innovation in new markets and in methods for delivery, thereby leading to greater public awareness of legal services," and to "educate the public about law, lawyers, and legal services through programs that also enhance student learning." According to Knake, by embracing the mission of public (non-lawyer) education, law schools can "match the demand for legal services with the 'surplus of lawyers,' potentially resolving the access-to-justice problem ... once and for all."

This is a beautiful vision—raising public awareness of and access to legal services—and one that Knake herself is helping to bring about. Her previous scholarship has focused on opening the market for legal services delivery by [corporations](#), which she argues will "increase competition, drive down prices, encourage inventive methods for providing legal representation for those who cannot access or afford it, and create new jobs for lawyers."<sup>1</sup> In 2012, Knake and her Michigan State colleague Dan Katz founded the [ReInvent Law Laboratory](#), which focuses on designing, building, and testing new tools for legal services delivery, as well as providing students with training for the "technology-infused jobs of the future."<sup>2</sup> Now, in this paper, Knake calls upon law schools to "band together in support of a systematic public information campaign" in order to nurture "public awareness about one's legal rights and entitlements."<sup>3</sup>

Knake is careful to tie her proposals for public education to the profession's strategic interests, and emphasizes the potential upside of demand creation for law schools and lawyers. She pitches non-lawyer education as "non-sales selling"—a means of broadening law schools' sales efforts "beyond those who will fill their seats in order to nurture demand for services from those who do fill their seats." She points to the success of public education campaigns in increasing demand for professional services in other fields, such as psychology and mental health. And she highlights

the ways that non-lawyer education could improve employment prospects for lawyers. Thus, Knake pitches non-lawyer education by law schools as a win-win proposal.

Yet Knake also draws on—and flirts with—a more radical vision of public education and empowerment that includes the power to disrupt the profession or even dispense with lawyers entirely. Even within the current system of J.D.-focused education, law school attempts to raise public awareness of legal rights can be controversial—just ask the Tulane environmental clinic.<sup>4</sup> Moreover, Knake endorses limited licensing and urges law schools to develop training for limited licensing regimes. She cites Richard Susskind’s vision of the “empowered citizen,” who would use information technology to select the level of legal service desired, with the aim of increasing demand for limited and unbundled services as well as facilitating effective self-help. According to Susskind—and by implication, Knake—“we need to empower citizens to sort out some of their own legal issues.”<sup>5</sup>

Thus, Knake’s article is not only about the (who-could-argue-with) “democratization” of legal education and services. Her arguments also point to provocative and increasingly immediate questions about the *redistribution* of legal information and services, and law schools’ role in defending—or challenging—U.S. lawyers’ regulatory monopoly and lopsided orientation toward the highest-paying corporate clients.

This conversation about law schools’ [distributive role](#) is overdue. Law schools face inevitable downward pressure on the J.D. degree and an increasingly sophisticated and competitive market for personal and consumer services. As a strategic matter, I agree with Knake that embracing and shaping the liberalization of the U.S. legal services market is [U.S. law schools’ best play](#). I also believe—and think Knake believes—that, as a normative matter, liberalizing the U.S. legal services market is the [right thing to do](#). But make no mistake: embracing a mission of non-lawyer legal education and empowerment will encounter stiff resistance from many law schools and would-be reformers, who so far have been narrowly focused on improving job prospects for lawyers. So: three cheers to Knake for raising this issue. Here is wishing her fortitude in her mission!

1. Renee Newman Knake, *Democratizing the Delivery of Legal Services*, 73 Ohio St. L.J. 1, 11 (2012). [[?\]](#)
2. Renee Newman Knake, *Democratizing Legal Education*, 45 Conn. L. Rev. (forthcoming May, 2013). [[?\]](#)
3. *Id.* [[?\]](#)
4. See David Luban, *Taking Out the Adversary: The Assault on Progressive Public-Interest Lawyers*, 91 Calif. L. Rev. 209, 237-38 (2003) (“After the clinic successfully stopped a polyvinylchloride factory from locating in a low-income Black residential neighborhood, angry business groups complained to the Louisiana Supreme Court. In response, the court amended its student-practice rule ... to make it harder for students to represent environmental groups.” [[?\]](#))
5. Richard Susskind, *The End of Lawyers? Rethinking the Nature of Legal Services* 238 (2008). [[?\]](#)

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