

The Goals and Objectives of Law Schools Beyond Educating Students:
An empirical study, based on qualitative data

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Factual context. A recent dissertation submitted to Stanford Law School confirms that, in 2003, the law degree was the degree program with the highest enrollment in Mexico -11 out of 100 students opted to study law-. In 2007, 930 institutions of higher education were offering the law degree in Mexico. In that year, law school enrollment was 240,000.^{1 2}

Legal context. Since 1980,³ the Mexican Constitution mandates that universities shall carry out the purposes of educating, doing research and promoting culture.⁴

Preliminary Literature Review. There is a vast literature on such constitutional goals. However, there is a great distance between Mexican law as it is enacted and its application,⁵ so any legal analysis of the constitutional text would be vacuous without any reference to reality. Furthermore, documentary research on the issue may easily lead to mere official truths. In any case, it is hard to find any pertinent data on the mission of law schools in specific.⁶

Field Research. Thus, I discarded any attempt to perform documentary research on this issue. In contrast, I preferred to conduct a qualitative research study, based on 15 semi-structured interviews, in order to determine the perceptions, fresh views and opinions of people playing different roles and responsibilities at a law school.

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¹ Pérez Hurtado, Luis Fernando, The Next Generation of Lawyers: A Study of Mexico's System of Legal Education and Its Law Students. Stanford Dissertation, May 2008. pp. 1, 11, 28. Cf www.educacionjuridica.org

² In those circumstances, an International Conference on the role of law schools becomes extremely relevant.

³ Constitutional Amendment Act, published on June 9, 1980.

⁴ Supreme Court of Justice, Political Constitution of the United Mexican States. Mexico, SCJN, 2005.

<http://www.scjn.gob.mx/PortalSCJN/RecJur/Legislacion/ConstitucionPolitica/ConstitucionPolitica.htm>

For another translation, see: Pérez Vázquez, Carlos, The Political Constitution of the United Mexican States. Mexico, UNAM, 2005. <http://www.juridicas.unam.mx/infjur/leg/constmex/pdf/consting.pdf>

⁵ Villarreal Gonda, Fernando, The Three Most Important Features of My Country's Legal System that Others Should Understand: Mexico. In: Learning from Each Other: Enriching the Law School Curriculum in an Interrelated World. International Association of Law Schools Conference, Soochow University, Kenneth Wang School of Law, October 17-19, 2007.

⁶ "Despite its importance, there are only a few studies of legal education and very little is known about the subject. Most of the works on this topic present anecdotal accounts or personal points of view about the current characteristics of, or suggested improvements for, legal education in a particular university or group of universities" Pérez Hurtado, ob. cit., pp. 3, 7.

Interviewees. The sample included deans and former deans, full-time, part-time and adjunct professors of law, non-law professors, law librarians, law students, law school alumni and common citizens. All individuals possess higher education degrees, most of them in law, and others in library science, economics, education, literature, marketing and sociology. Most respondents studied in private higher education institutions and some in public universities. Most are men and slightly less than half women.

Interviews. I prepared an interview guide comprising 5 questions. Most interviews were conducted in person and some by phone. First, I explained the purpose of the interview. Then, to establish a rapport and to introduce the theme, each interviewee was invited to accept the premise that the primary goal of a law school is to educate its students.

Question 1. My first question was *“Do you think that the role of the law school comprises something else than educating its students?”* When posing the question, I intended not only to examine their opinion, but also to observe their behavior -the way in which the answer was given-. Almost all interviewees gave clear, direct answers as opposed to a small minority who expressed some dubitation (e.g. *“Educate ... in a broad sense?”*, *“Educate in Law exclusively?”*). Again, the vast majority of the interviewees answered a clear *“yes, the law school mission comprises something else”*.

Question 2. Answers given to question 1 led me to ask, *“Can you mention some of these goals that go beyond educating students?”* Again, I intended to examine not only the answer, but also the way in which it was given –the behavior of the respondents-. Again, the vast majority of the interviewees gave straight answers. However, it was very surprising that almost all those answers were much more closely related to the law schools’ primary role of educating students.

All answers were in fact broadening learning objectives:

- Some of them highlighted the human component, declaring that law schools should teach students to be good human beings, ought to expand the students’ horizons in all domains of human endeavor and must bring out students’ maximum potential;
- Others underlined the intellectual skills –associated with good lawyering-, saying that law schools should teach thinking skills -including critical and creative thinking- and advance knowledge through research;
- A third group stressed personal and professional attributes, expressing that law schools should develop in their students a sound set of values and, in particular, must inspire the search for justice;
- Then, others pointed out social attitudes, stating that law schools should provide enhanced networking opportunities, promote respect and encourage tolerance; and
- Finally, others emphasized knowledge, telling that law schools should provide a broad legal culture, as well as a better understanding of the institutional, political and social context in which the law operates.

In brief, when asked about the goals of law schools that go beyond educating students,

respondents sharply accused that providing a substantial body of knowledge of law –the “black letter” law- was insufficient. But, instead of listing secondary goals –as I was honestly expecting-, the vast majority of the interviewees pointed out elements that only add to the fundamental purpose of the law school.

Question 2b. Due to the aforementioned responses I had to persist and ask: *“But still is there something else?”* One third of the interviewees, after a careful consideration, bluntly said that the intention of a law school was only to educate its students. Some of them tried to justify their answers (e.g. *“To educate the future lawyers and to inspire them in the search of justice is already a tremendous task!”* or *“To teach the law students to be good human beings is enough!”*)

On the contrary, two thirds of the respondents, after deep reflection, began listing other roles of law schools –i.e. from 1 to 6 objectives-, but it is important to underline that in all cases answers were awfully doubtful.

In essence, those opinions converged on the responsibility of higher education institutions to serve the community. Nonetheless, they seemed to give relative importance to one or more of the following roles:

- To advance knowledge through legal research;
- To facilitate access to justice for poor communities;
- To build public opinion regarding legal issues and even be a discordant voice in social dialogue;
- To disseminate knowledge to the community on legal matters;
- To be involved in the law-making process; and
- To provide continuing legal education.

Further, opinions were divergent as to who should be the main beneficiary of those functions. For example, some may think that legal research is a major contributor to legal scholarship and to advancement of legal knowledge (i.e. *“research seeks to enhance jurisprudence”*), while others emphasize that it is a key ingredient for faculty improvement (i.e. *“the research aim is to enrich the faculty experience”*), and still others think that doing legal research is a key element of learning (i.e. *“students should take part in scholarly inquiry”*).

Finally, a minority said that the law school could pursue those objectives alone or in combination with other institutions, including other private sector organizations.

Question 3. A third question was asked to those individuals who mentioned more than one secondary role (one third of the interviewees had said that law schools play only a fundamental role, and a few only mentioned one secondary role): *“In your opinion, is there a hierarchy among those secondary goals that you mentioned?”* Answers could be divided into two groups. On the one hand, I found those who think that secondary goals of law schools may not be superior or subordinated to others. This group basically thinks that the significance of

secondary roles frequently changes in the context (e.g. *“If I find that the general public is reluctant to read legal dissemination works, I would rather organize legal dissemination seminars”*). On the other hand, I found those who think that some secondary goals are clearly more important than other secondary roles. However, those interviewees placed emphasis on totally different goals (e.g. *“to disseminate knowledge to the community on legal matters”*; *“to be involved in the law-making process”*; and *“to facilitate access to justice for poor communities”*).

Question 4. A fourth question was asked to those individuals who mentioned secondary goals (remember that one third of the respondents had said that law schools play only a primary role): *“In your opinion, is there a hierarchy between the primary role and any secondary goals?”* Voices converged to point out that educating students is far more important than any secondary goal.

Question 5. Finally a fifth question was asked to those individuals who mentioned that law schools play secondary roles: *“In your opinion, how do these secondary roles relate to the primary role of educating?”* Voices converged to stress the mutual influence between them (e.g. *“The primary role and all secondary missions are mutually corresponding: the community defines the law school; the law school defines the community”*) (e.g. *“There is a very close link. Such secondary roles are only functional in connection with a law school -for example: a legal research center run by a law firm is not prosperous-. In its turn, education is not education at all if it is disconnected from such secondary roles -students must contribute to the secondary functions-.”*).

Preliminary Findings. Respondents showed clear logical coherence and evident order of arrangement when they talked about educating law students –they were able to point out specific legal knowledge, lawyering skills and human, professional or social attributes to be learned by students-. However, when they were challenged to face other roles of the law school, they showed dubitation and lack of confidence: secondary roles, their beneficiaries, their relative importance and their hierarchy are not free from obscurity in the minds of key people who play important roles at law schools. Naturally, if the *“point de départ”* is ambiguous, implementation may be impossible. This may be a reason why *“less than 20% of the institutions of higher education that offer the bachelor’s degree in law (Licenciado en Derecho) are involved in research or in academic extension activities”*.⁷

⁷ Pérez Hurtado, ob. cit., p. 28.