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“Your Mission, Should You Choose To Accept It . . .”: Taking Law School Mission Statements Seriously¹

Irene Scharf & Vanessa Merton²

A law school can best achieve excellence and have the most effective academic program when it possesses a clear mission, a plan to achieve that mission, and the capacity and willingness to measure its success or failure. Absent a defined mission and the identification of attendant student and institutional outcomes, a law school lacks focus and its curriculum becomes a collection of discrete activities without coherence.³

I. DO MISSION STATEMENTS MATTER TO 21ST CENTURY U.S. LAW SCHOOLS?

As of this writing, the requirement that law schools which seek accreditation from the American Bar Association mobilize and allocate their resources to fulfill their academic missions—*ipso facto*, formulate mission statements⁴—has not yet been placed on the chopping block of ongoing major

1. In the popular 1966-1973 *Mission Impossible* television series, this catchphrase was the starting scene of each episode as the heroic secret agent received a self-destructing audiotape explaining his next mission. The tape invariably began with, “Your mission, should you choose to accept it . . .” Don Reinertsen, *Your Mission, Should You Choose To Accept It*, ELECTRONIC DESIGN (Mar. 5, 2001), https://en.wikiquote.org/wiki/Mission:_Impossible [<http://perma.cc/C3U6-HHJL>]; see also *Mission: Impossible*, WIKIQUOTE, <http://electronicdesign.com/displays/your-mission-should-you-choose-accept-it> [<http://perma.cc/3PH9-NHHP>].

The authors’ previously published Vanessa Merton & Irene Scharf, *Mission Statements That Accurately Define, Distinguish, and Reflect the Law School’s Praxis*, in BUILDING ON BEST PRACTICES: TRANSFORMING LEGAL EDUCATION IN A CHANGING WORLD 24–35 (Deborah Maranville et al. eds., 2015). That is an abbreviated summary of some of the information and arguments that are expanded and elaborated upon in this article.

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3. GREGORY S. MUNRO, OUTCOMES ASSESSMENT FOR LAW SCHOOLS 3–4 (2000).

4. See 2015-2016 ABA STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS 11 (2015) [hereinafter *the Standards*]: Standard 204. SELF STUDY

Before each site evaluation visit the law school shall prepare a self-study comprised of (a) a completed site evaluation questionnaire, (b) a statement of the law school’s mission and of its educational objectives in support of that mission, (c) an assessment of the educational quality of the law school’s program, (d) an assessment of the school’s continuing efforts to improve educational quality, (e) an evaluation of the school’s effectiveness in achieving its educational objectives, and (f) a description of the strengths and weaknesses of the law school’s program of legal education.

Interpretation 204-1

The evaluation of the school’s effectiveness and description of its strengths and weaknesses should include a statement of the availability of sufficient resources to achieve the school’s mission and its educational objectives.

In contrast, the Association of American Law Schools (“AALS”) does not require member schools to adopt a

reforms.⁵ It is still relevant, then, to examine the functionality of the mission statement requirement and its utility for law schools,⁶ especially in this era of change, challenge, and self-scrutiny if not self-doubt. Based on a review of the scant analytic literature on academic mission statements, and compilation of the readily available mission statements of U.S. law schools (although this is a constantly evolving universe),⁷ we have engaged in an examination of the

mission statement; its Bylaws, Article 6, Requirements of Membership, does, however, express the expectation that member schools will subscribe to a set of “Core Values,” a phrase often found in or apposite to mission statements. *Bylaws of the Association of American Law Schools*, in ASS’N OF AM. LAW SCH. HANDBOOK § 6-1 (adopted Dec. 29, 1971; amended through Jan. 2016), <http://www.aals.org/about/handbook/bylaws/> [<https://perma.cc/JH58-Y3UT>].

The AALS Core Values have been described by a recent Association president as intended to provide guidance in the Association’s activities and to our member schools. The core values of AALS emphasize excellent classroom teaching across a rigorous academic curriculum . . . focus on the importance of faculty scholarship, academic freedom, and diversity of viewpoints . . . establish an expectation that member schools will value faculty governance and instill in our students commitments to justice and to public service . . . in an environment free of discrimination and rich in diversity . . . where students have opportunity to study law in an intellectually vibrant institution capable of preparing them for professional lives as lawyers instilled with a sense of justice and an obligation of public service.

Id.; H. Reese Hansen, President, Ass’n of Am. Law Sch., Presidential Address to the House of Representatives (Jan. 9, 2010), in H. Reese Hansen, *Principles to Guide Us*, ASS’N OF AM. LAW SCH. (Mar. 2010), <http://www.aals.org/services/presidents-messages/principles-guide-us/> [<https://perma.cc/UD3J-4WXD>].

5. The most current potent source of “top down” change in law schools is probably the TASK FORCE ON THE FUTURE OF LEGAL EDUCATION, A.B.A., REPORT AND RECOMMENDATIONS (2014), http://www.americanbar.org/content/dam/aba/administrative/professional_responsibility/report_and_recommendations_of_aba_task_force.authcheckdam.pdf [hereinafter *Future Report*] which was presented to the A.B.A House of Delegates on Feb. 10, 2014 and already endorsed by the Conference of Chief Justices and the A.B.A Board of Governors. For relevant excerpts, see *infra* note 161. An excellent summary of some recent “internal” movements toward reconfiguring legal education can be found in COMMITTEE ON THE PROFESSIONAL EDUCATIONAL CONTINUUM, AMERICAN BAR ASSOCIATION, TWENTY YEARS AFTER THE MACCRATE REPORT: A REVIEW OF THE CURRENT STATE OF THE LEGAL EDUCATION CONTINUUM AND THE CHALLENGES FACING THE ACADEMY, BAR, AND JUDICIARY (2013) [hereinafter *Continuum Report*]. Neither report mentions eliminating the mission statement requirement; if anything, the Future Report seems to endorse the value of mission statement work with its recommendation that the ABA establish a mechanism “to Institutionalize the Process of Continuous Assessment and Improvement in the System of Legal Education”—arguably a macro-version of mission statement revision. *Future Report*, *supra*, at 30. Section VIII of the Future Report targets no fewer than fourteen specific ABA Approval Standards for elimination or substantial relaxation, but law schools are exhorted to “Develop [and communicate] a Clear Statement of the Value [of] the Law School’s Program of Education” and to develop, implement, and continually reassess plans to achieve several particular goals, such as cost reduction, career success of graduates, and “the Extent of . . . Investment in Faculty Scholarly Activity.” *Id.* at 34. These topics are all candidates for components of a sound and revised law school mission statement.

6. A common sentiment about law school mission statements is that they “do not reveal much.” Bethany Rubin Henderson, *Asking the Lost Question: What is the Purpose of Law School?*, 53 J. LEGAL EDUC. 48, 53 (2003); see also Richardson R. Lynn, *Mission Possible: Hiring for Mission in a Vague World*, 33 U. TOL. L. REV. 107, 108 (2001) (asserting “[y]our school may be one of the fortunate few whose mission is clear and pervasive”). Many “law schools appear to treat mission statements as a formality. A . . . survey of law school deans revealed that the schools’ mission statements do not accurately reflect what deans believe to be their school’s internal strengths, public image, or core values.” Henderson, *supra* (citing study described in Gorton T. Butler, *The Law School Mission Statement: A Survival Guide for the Twenty-first Century*, 50 J. LEGAL EDUC. 240, 248–53 (2000)). “At many schools, the mission succeeds precisely because no one talks about it in detail. The strong consensus . . . is for the mission as broadly defined, not narrowly applied. Faculty members are free to interpret it differently . . .” Lynn, *supra*, at 110.

7. See Irene Scharf & Vanessa Merton, *Table of Law School Mission Statements*, UNIV. OF MASS. SCH. OF L. (2016), http://scholarship.law.umassd.edu/fac_pubs/175/ [<https://perma.cc/NC3Y-HYVJ>] [hereinafter *Mission Statements Table*]. Special thanks to Aleya Eydlish, Class of 2014, Pace University School of Law, for her care and diligence in compiling and verifying the original version of this Table, which was last updated on January 7, 2016 by University of Massachusetts Law School student Megan Beyer, to U. Mass. Law School Assistant Librarian Emma Wood for her dedicated and skillful assistance with the charts and research, and to

and marketing concerns, and the specificity that fosters accountability as opposed to the generality that embraces a vague multitude of approaches to the law school endeavor. Building on the strong endorsement of the use of mission statements in the original Best Practices for Legal Education,¹⁰ we present some “Best Practices” for both the development and the content of law school mission statements. We hope that this piece hastens further conversation and commentary that will foster a richer and more mindful perspective on this necessary—and potentially transformative—task of legal educators.

A. *Why A Mission Statement?*

1. Leading experts who have carefully studied U.S. legal education assert that strong consensus around a clear mission is vital for law schools to survive and thrive.

Mission Statements at law schools, like those in other nonprofit and for-profit businesses, have been a mainstay for decades.¹¹ Yet most who have been involved in devising, amending, or employing them in their organizations consider them to be useless.¹² Despite this negative view, mission statements,

10. Roy Stuckey et al., *Best Practices for Legal Education*, CLINICAL LEGAL EDUC. ASS’N (2007), http://cleaweb.org/Resources/Documents/best_practices-full.pdf [<https://perma.cc/U6N6-C3MS>] [hereinafter *BEST PRACTICES*].

11. The ABA has been requiring mission statements for accreditation since 1996. The Office of the Consultant on Legal Educ. to the Am. Bar Ass’n, *American Bar Association Standards for Approval of Law Schools and Interpretations*, AMERICAN BAR ASSOCIATION (Aug. 1996), http://www.americanbar.org/content/dam/aba/publications/misc/legal_education/Standards/standardsarchive/1996_standards.authcheckdam.pdf [<https://perma.cc/3GKH-Z84Y>] [hereinafter *Standards*]. It is possible, however, to question the rigor with which the ABA has enforced this requirement. As noted by one law school Dean, “. . . mission statements such as ‘The mission of this law school is to force desperate, short-sighted law students into crushing, life-long debt so that the faculty can afford Jaguars,’” could be expected to “raise questions during the accreditation process. However, I see no problem with a mission statement that justifies a Jaguar for the dean.” Lynn, *supra* note 6, at 107 n.1.

Very recently, however, with the adoption of the 2016-17 of amendments to the Standards requiring definition of learning outcomes that identify the knowledge, skill, and values that a law school believes its students should master “. . . [which] will vary depending upon the stated mission of a law school.” ABA SECTION OF LEGAL EDUCATION AND ADMISSION TO THE BAR, MANAGING DIRECTOR’S GUIDANCE MEMO, STANDARDS 301-02, 314-15, A.B.A. (June 2015) http://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/governancedocuments/2015_learning_outcomes_guidance.authcheckdam.pdf [<http://perma.cc/8XV2-4XN3>]. The learning outcomes a school defines “must appear . . . on its website and in its publications where the law school describes its mission and its curriculum.” *Id.* See discussion at Raymond H. Brescia, *When Interests Converge: An Access to Justice Mission for Law Schools*, forthcoming GEORGETOWN J. ON POVERTY L. & POLICY (forthcoming 2016) (exploring concept of increasing access to justice as redeeming mission for law schools).

12. See, e.g., David Henderson, *Mission statements are nonsense. Competitive positioning wins!*, <http://www.davidhenderson.com/blog/2015/01/03/mission-statements-are-nonsense-competitive-positioning-wins/> [<https://perma.cc/ZX7R-FAKT>]. “Someone cooked up the idea of ‘mission statements’ back in the 1970s as an angle to sell books about how to run a business. The concept flooded into MBA programs ostensibly as a way to get a competitive edge. It’s a useless exercise because mission statements are wordy gobbledygook.” *Id.* Also see the comments of business consultants like Mark Majeski:

Most mission statements are useless. Organizations spend time crafting and word-smithing statements that they want to use as a guiding force for the people that work there. However, few organizations get beyond words on a web page or a printed piece of paper. Some even print glossy

if devised and used purposefully by law faculty and administrators, could truly become agents of change.¹³

The two most prominent examinations of contemporary legal education, BEST PRACTICES FOR LEGAL EDUCATION¹⁴ and EDUCATING LAWYERS, a Report of the Carnegie Foundation for the Advancement of Teaching,¹⁵ consistently focus on the importance of a well-articulated mission. This was a pervasive theme of the original BEST PRACTICES from the first page, which begins with Minnesota Supreme Court Justice Rosalie Wahl's trenchant question in 1987:

Have we really tried in law school to determine what skills, attitudes, character traits, quality of mind, are required of lawyers? Are we adequately educating students through the content and methodology of our present law school curriculums to perform effectively as lawyers after graduation?¹⁶

As Professor Roy Stuckey, architect and prime author of BEST PRACTICES, noted with dismay:

In the history of legal education in the United States, there is no record of any concerted effort to consider what new lawyers should know or be able to do on their first day in practice or to design a program of instruction to achieve those goals.¹⁷

The entire volume could and should serve as a starting point for any law school's mission development, clearly enunciating plausible aspirations not only for preparation of students for competent practice, but bar examination passage, outcome-measuring instructional techniques, and acquisition of fundamental professional attributes such as lifelong learning skills. It also sets forth in detail a variety of methods and means for attaining these mission components, living up in every way to its subtitle: "A Vision and a Road Map."¹⁸ But the most important contribution of BEST PRACTICES is its methodical reiteration that law schools need to make choices, and communicate those choices.

color posters of their mission statement and hang it on the wall of their lobby. All useless.

Mark Majeski, *Why You Should Scrap Your Mission Statement*, MAJESKI ATHLETIC CONSULTING, <http://www.majeskiathleticconsulting.com/poa-012-why-you-should-scrap-your-mission-statement/> [<https://perma.cc/Y2RL-LDS7>]; see also Christopher C. Morphew & Matthew Hartley, *Mission Statements: A Thematic Analysis of Rhetoric across Institutional Type*, 77 J. OF HIGHER EDUC. 456 (2006).

13. Urgent support of a "continuous model of reform" in legal education, fostered by mission statements that promote the reform and reinvention process, can be found in REFORMING LEGAL EDUCATION: LAW SCHOOLS AT THE CROSSROADS 218–20 (David M. Moss & Debra Moss Curtis eds., 2012).

14. BEST PRACTICES, *supra* note 10.

15. WILLIAM M. SULLIVAN ET AL., EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW (2007) [hereinafter CARNEGIE].

16. BEST PRACTICES, *supra* note 10, at vi.

17. *Id.* at 3.

18. BEST PRACTICES embraces as a given that the one universal goal of legal education is preparation of students to enter the legal profession. "It is why law schools exist." *Id.* at 39 (citing American Bar Association 2015-2016 Standards and Rules of Procedure for Approval of Law Schools Standard 301(a)). This article adheres to this view. Although all but a handful of law school mission statements include some version of this goal, as is discussed below, the issue with regard to any single component of a mission statement is not so much inclusion as primacy and meaningful commitment.

Likewise, in its comprehensive analysis of legal education, EDUCATING LAWYERS, the Report of the Carnegie Foundation for the Advancement of Teaching:

discovered that faculty attention to the overall purposes and effects of a school's educational efforts is surprisingly rare. Efforts to improve legal education have been more piecemeal than comprehensive. Few schools have made the overall practices and effects of the educational effort a subject for serious study.¹⁹

EDUCATING LAWYERS calls unequivocally for law schools to develop far greater "institutional intentionality," coining a useful term defined as "commitment to a set of orienting values that define the institution and direct its further development" and applauds this "ability to 'remain true to . . . espoused values while continually rethinking the way these values are made concrete on campus . . .'"²⁰

EDUCATING LAWYERS also relies heavily on the connection that Professor Gregory Munro, renowned for his still-unparalleled text on assessment of what law students actually learn,²¹ posits between enhanced student learning and "'an articulated mission.'"²² EDUCATING LAWYERS agrees with Munro's insistence "that the faculty and institution as a whole need to be clear about the institution's purpose and mission":²³

[G]oal setting in any large educational institution is complex and difficult, and in many law schools, the missions are multiple . . . [h]owever, Munro argues, goal setting for a law school can help focus the educational mission by bringing into sustained dialogue and argument . . . faculty and administration [and] . . . by identifying the 'functions that the law school should serve' and . . . devising an alignment of teaching methods, outcomes, and assessment procedures in light of these functions.²⁴

Professor Munro added a warning: "Absent a defined mission and the identification of attendant student and institutional outcomes, a law school lacks focus and its curriculum becomes a collection of discrete activities without coherence."²⁵ In one of its more emphatic final recommendations, EDUCATING LAWYERS adopted Munro's directive enthusiastically:

The law school must become intentional about its own aims, educational processes, and identity. Like good students, good law schools should also be constantly learning and assessing their progress. They should be developing greater institutional intentionality. This is an aim we endorse and commend.²⁶

19. CARNEGIE, *supra* note 15, at 189–90.

20. *Id.* at 180–81 (citing Anne Colby, Thomas Ehrlich, Elizabeth Beaumont, and Jason Stephens, EDUCATING CITIZENS: PREPARING AMERICA'S UNDERGRADUATES FOR LIVES OF MORAL AND CIVIC RESPONSIBILITY (2003)).

21. MUNRO, *supra* note 3.

22. CARNEGIE, *supra* note 15, at 181.

23. *Id.* (citing GREGORY S. MUNRO, OUTCOMES ASSESSMENT FOR LAW SCHOOLS (2000)).

24. *Id.*

25. MUNRO, *supra* note 3.

26. CARNEGIE, *supra* note 15, at 182 (referencing GREGORY S. MUNRO, OUTCOMES ASSESSMENT FOR

Luke Bierman, former Associate Dean for Experiential Education and Distinguished Professor of Practice of Law at Northeastern University School of Law, now Dean at Elon University School of Law—whose observations merit respect both because he is a fairly recent convert to academe with extensive practice experience and because of his leadership of ALERT (“Alliance for Experiential Learning in Law”)²⁷—reflected his appreciation for clear mission statements when he issued a call for differentiation, diversification, and experimentation by law schools.²⁸ He suggests that both individual law schools and the broad landscape of legal education will benefit from more precise definitions of each law school’s intended goals in terms that are not esoteric and vague, but immediately intelligible to prospective students and potential employers of graduates: for example, practice area expertise; specific skill sets, e.g. trial advocacy or ADR; or distinctive instructional techniques and opportunities, i.e. Northeastern Law School’s “coop” semesters in practice, immersion courses, or self-directed learning programs.²⁹

Organizations of law faculty, old and new, are cognizant of the value of capturing their key principles in coherent mission statements for themselves. For example, the Society of American Law Teachers, the largest and oldest independent membership organization of legal academics in the United States, founded in 1973, counts law professors, deans, librarians, and administrators from more than 200 law schools among its members. Its core mission is simply stated as “advancing teaching excellence, social justice and diversity.”³⁰ Another venerable organization, the Clinical Legal Education Association, which “exists to advocate for clinical legal education as fundamental to the education of lawyers” seeks to:

- foster excellent teaching and scholarship by clinical educators;
- integrate clinical teaching and extend its methods into the legal education program of every law school;
- reform legal education so as to prepare law students for excellent and reflective law practice;

LAW SCHOOLS (2000)).

27. “The Alliance for Experiential Learning in Law was convened by Northeastern University School of Law in 2011 when a small group of legal educators met to discuss how best to improve legal education in response to significant disruptions in the profession and changes in our society.” *Alliance for Experiential Learning in Law*, NE. UNIV. SCH. OF L., <http://www.northeastern.edu/law/experience/leadership/alliance.html> [<https://perma.cc/VQ2P-PXYQ>]. It includes legal educators and practitioners affiliated with more than 100 law schools and legal organizations who have joined together to develop a new approach to legal education and promote transformative approaches and programs for curriculum reform. The group’s ultimate goal is to ensure that law graduates are ready to practice with a full complement of skills and ethical and social values necessary to serve clients and the public interest, now and in the future.” *Id.*

28. Luke Bierman, *The Time for Legal Educators to Be Bold*, N.Y.L.J. 2 (Oct. 19, 2012).

29. *Id.*

30. SOCIETY OF AMERICAN LAW TEACHERS, <https://www.saltlaw.org/about-salt/> [<http://perma.cc/SNM8-P4MB>]; see also Email from Professor Denise Roy, SALT Co-President, to Irene Scharf, Professor of Law, University of Massachusetts School of Law & Vanessa Merton, Professor of Law at the Elisabeth Haub School of Law at Pace University (Feb. 12, 2016) (on file with authors).

- advance regulation of legal education that insures the continued vitality of clinical education in law schools; and
- pursue and promote justice and diversity as core values of the legal profession.³¹

A much more recent organization, LawWithoutWalls, has adopted a mission statement focused on its intention “to accelerate innovation at the intersection of business, technology, and law through a dynamic, part virtual, collaborative experience that seeds a community of 21st century-ready global change agents and ultimately transforms the way law and business professionals partner to solve problems.”³² This organization, with its own clearly defined mission, goes so far as to assert that the traditional law school is not adequate for “the 21st century legal services provider” and calls for a dramatically different approach to legal education and practice.³³

Yet another recent entry into the field is the Educating Tomorrow’s Lawyers Consortium, whose Mission Statement is to “encourage [] and facilitate [] innovation in legal education in order to train new lawyers to the highest standards of competence and professionalism.”³⁴

2. Not only other professional schools and academic institutions, but a substantial majority of commercial and not-for-profit enterprises adopt, revise, and renew mission statements with regularity, suggesting they must

31. *Mission*, CLINICAL LEGAL EDUC. ASS’N, <http://www.cleaweb.org/mission> [https://perma.cc/69RT-4UPV]. Its Mission Statement was updated based on membership input in 2009. *Id.*

32. *All about LWOW*, LAWWITHOUTWALLS, <http://lawwithoutwalls.org/about-lwow/> [https://perma.cc/U662-PCPR].

33. *Id.*

The future of law requires a mentality of a world of law without walls. Given the current global, complex, multi-disciplinary legal marketplace, successful lawyers of tomorrow must be creative problem solvers and leaders with a higher risk tolerance and business mindset who can use technology, social media, and innovation and teaming skills to overcome the walls of law.

Further, solutions to the challenges of tomorrow call for more collaboration and permeability between legal practice and legal education (during and after law school) and more interaction between legal professionals and people of different disciplines and different cultures. It is through these types of interactions that critical 21st century skills are honed, true innovation occurs, and interdependent relationships are built.

These types of interactions, however, are stymied by current legal education and practice—both of which are ridden with hierarchies (based on rank, expertise, and title), barriers to entry, and staid ways of training and learning. Further, the skills needed by 21st century service providers are incapable of being sharpened in a traditional in-person or online law school, CLE, or executive education format. These skills take time and require a multi-disciplinary, multi-cultural, technologically-blended teaming experience to be nurtured. Thus, what is needed for the 21st century legal services provider is a completely new and fresh approach to training, innovating, and community building.”

Id.

34. Alli Garkman, *Past ABA President*, Karen J. Mathis, *Brings Decades of Legal and Executive Experience to IAALS*, INSTITUTE FOR THE ADVANCEMENT OF THE AMERICAN LEGAL SYSTEM, <http://iaals.du.edu/blog/past-aba-president-karen-j-mathis-brings-decades-legal-and-executive-experience-iaals> [http://perma.cc/9ULT-HNFS].

serve functions which justify that effort and expense.

In virtually every other field of both nonprofit and for-profit endeavor, now including the practice of law—which has seen an explosion of mission statements, consultants, and advisors to help lawyers formulate them³⁵—it is literally a given that a mission statement is necessary for long-term survival and success.³⁶ The assumption is that those inside an organization need to know what it is supposed to accomplish and what to communicate to those outside about its purposes. Outside observers need benchmarks of accountability and ways to distinguish organizations from their peers. As one starts to learn about the centrality of mission statements, vision statements, and value statements in the strategic planning of corporations, government, foundations, the military, and virtually every other modern institution, the efforts of most law schools seem comparatively superficial and ritualistic, if not cursory. Like these other organizations, law schools can decide to devote resources and energy to the process of mission definition.

Earlier university statutes identified their institutional aims; U.S. universities first began publishing mission statements in their catalogues in the 1930s.³⁷ “The best statements of mission go to the core of the organizations’ purposes while avoiding the use of trendy language.”³⁸ Scholars observe that, among the possible disadvantages in establishing these statements is a lack of “involvement by the majority of the organization’s members . . .”³⁹ But the advantages can be substantial, including “developing a clear sense of purpose, facilitating decision-making, enhancing communication between and among internal and external stakeholder groups, aiding institutional evaluation and measurement, and clarifying marketing strategy. Thus, the mission establishment process . . . can promote organizational improvement.”⁴⁰ Key mission themes throughout history, from medieval times to the postmodern era, include “the transformational nature of mission, the multiplicity of missions,

35. See, e.g., Allison C. Shields, *How to Take Control of Your Practice by Creating Vision and Mission Statements*, AMERICAN BAR FOUNDATION GP SOLO NEWS & TRENDS (Feb. 2006), http://www.americanbar.org/content/newsletter/publications/law_trends_news_practice_area_e_newsletter_home/visionstatements.html [<https://perma.cc/U5UX-2TVZ>]; Ed Wesemann, *The Five Questions: Creating a Vision for Your Firm*, ED. WESEMANN CONSULTANT & ADVISOR (Sept. 3, 2012), <http://edwesemann.com/articles/strategy/2012/09/03/the-five-questions-creating-a-vision-for-your-firm/> [<https://perma.cc/6PMV-299L>].

36. The Mission Statement is the “ ‘most popular management tool deployed in decades.’ ” Christopher K. Bart, *Sex, Lies, and Mission Statements*, BUSINESS HORIZONS 9 (Nov.-Dec. 1997). Personal mission statements have also become all the rage. See Tara Parker-Pope, *Creating a New Mission Statement*, NEW YORK TIMES, Jan. 5, 2015, http://well.blogs.nytimes.com/2015/01/05/personal-coaches-and-mission-statements/?emc=eta1&_r=1 [<https://perma.cc/5AXS-S28C>].

37. John C. Scott, *The Mission of the University: Medieval to Postmodern Transformations*, 77 J. OF HIGHER EDUC. 1, 2 (2008), http://muse.jhu.edu/journals/journal_of_higher_education/v077/77.1scott.pdf [<https://perma.cc/6LAC-9QSH>].

38. *Id.* at 2.

39. *Id.* at 2 (citing GRAHAM PEEKE, MISSION AND CHANGE: INSTITUTIONAL MISSION AND ITS APPLICATION TO THE MANAGEMENT OF FURTHER AND HIGHER EDUCATION 8–12, 32 (1994)).

40. *Id.* at 2 (citing Peeke, *supra* note 39, at 1–2, 9).

and service as a major theme running through all missions of the university across epochs.”⁴¹

Some states, including Massachusetts for example, assign the Secretary of Education (in Massachusetts, the Executive Office of Education) the task of reviewing and approving “mission statements and 5–year master plans” for the entire public education system, including early education, elementary, secondary, and higher education; which “shall take into account the secretary’s analysis of goals, needs, and requirements and shall be designed to achieve a well-coordinated system of education” for the entirety of the public education system.⁴²

The centrality of mission statements for education is especially well-demonstrated by the Massachusetts scheme, which calls for them at every level. The Massachusetts Board of Higher Education is “responsible for defining the **mission** of and coordinating the state’s system of higher education . . .” working “with boards of trustees to identify and define institutional **missions**, taking into account regional needs, as well as to define each institution’s role within the greater system.” These missions must be related “to the mission the council shall identify for each category of institution within the system . . .”⁴³ Finally, mission statements are “subject to review and approval by the secretary of education . . .” and “shall” be published, and “used for purposes of accountability, efficiency, and focus.”⁴⁴

The Board of Higher Education is required to “develop and submit **mission** statements [for the various segments of the state educational system] to the Secretary of Education” for their approval.⁴⁵ These statements “shall include, but not be limited to, the goals and purpose of each type of institution within the system and how they relate to each other in fulfilling the **mission** of the entire system.”⁴⁶

3. Missions beyond law schools: U.S. accreditation agencies in a multitude of professions and disciplines recognize the utility of well-crafted mission statements like those we advocate for institutions of higher education.

A review of the accreditation standards for seventy types of professional institution (besides U.S. law schools)⁴⁷ that are accredited by the Specialized Accrediting Agencies on behalf of the Council for Higher Education Accreditation and the U.S. Department of Education⁴⁸ indicates that they

41. *Id.* at 33.

42. MASS. GEN. LAWS ANN. ch. 6A, § 14A(c) (effective Nov. 2, 2015).

43. MASS. GEN. LAWS ANN. ch. 15A, § 1 (effective July. 1, 2015) (emphasis added).

44. *Id.*

45. *Id.* § 7 (effective Oct. 26, 2010) (emphasis added).

46. *Id.*

47. The educational institutions we have reviewed specialize in the following: medicine, business, community colleges, engineering, pharmacy, nursing, and architecture.

48. Of course, this examination excludes the American Bar Association, whose Council of the Section

largely agree with law school accreditors that mission statements are worth the effort required to produce them.⁴⁹ Based on information publically available (through their websites), all but twelve require mission statements.⁵⁰

While the requirement that these statements be written is not always evident, it seems assumed that they will be. Of the institutions requiring mission statements, 50 stipulate that they be in writing, two others appear to require that,⁵¹ one apparently does not, six mention nothing either way, and, finally, one organization's website was unclear about the issue.

Some—medical, pharmacy, nursing—demand that goals be specified. Only medical schools require the adoption of by-laws.⁵²

The nature of the institutions surveyed are wide-ranging, from business to audiology schools, nursing to medical schools, engineering to pharmacy schools, architecture to physician assistant programs, physical therapy to psychology to podiatry, landscape architecture to forensic science, marital education to family and consumer sciences, culinary to construction education, and veterinary medicine to aviation.

Of the seventy professions that require mission statements, sixteen place the requirement under a specific section, most commonly Strategic Planning (business, occupational therapy), Administration (business, construction, optometry, podiatry), or Institutional Organization (pharmacy, library).

Goals, sometimes termed objectives, must be included in the mission statements of fifty-three schools, although of that number, which includes schools of medicine, pharmacy, and nursing, three of these program requirements are relatively generic.

Within the subset of schools requiring that the mission statement contain goals, twenty-four require that certain identified topics be addressed in the goals statement. Of those, two schools' requirements in this area are what we consider generic.

Further, among the schools that require specific items in a "goals" section,

of Legal Education and Admissions to the Bar is recognized by the U.S. Department of Education as the national accreditation agency of programs leading to the J.D. degree. *Frequently asked Questions*, AM. BAR ASS'N, http://www.americanbar.org/groups/legaeducation/resources/frequently_asked_questions.html [<https://perma.cc/6M64-26RV>].

49. "Higher education accreditors take into account the mission of the institution being evaluated." Judith Areen, *Accreditation Reconsidered*, 96 IOWA L. REV. 1471, 1483 (2011) (recognizing the Middle States Commission on Higher Education's direction that their standards be applied in the context of the institution's mission). Given that thirty-five of these seventy organizations also accredit under the auspices of the Department of Education, it is not surprising that these other institutions' accrediting processes and principles resemble those of the ABA.

50. See *Frequently Asked Questions*, AM. BAR ASS'N, http://www.americanbar.org/groups/legaeducation/resources/frequently_asked_questions.html [<https://perma.cc/6M64-26R>] (Table of Accrediting Organizations); see also Irene Scharf & Vanessa Merton, *Table of Accrediting Organizations*, http://scholarship.law.umassd.edu/fac_pubs/176/ [<https://perma.cc/7XH2-X6MS>] [hereinafter *Accreditors' Table*]. Of these twelve, information concerning eight was unavailable, two do not require mission statements, and two others do not appear to require them (as of April 2015).

51. One refers to the self-study; the other refers to the statement being "clearly defined."

52. See *Accreditor's Table*, *supra* note 50, at 24–36 (under Heading Medical/Medical Education.).

only four require that these be specific rather than generic. Thus, “the mission must be appropriate, descriptive, and transparent to the school’s constituents The mission must provide the school with an overall direction for making decisions . . . [and] must be aligned with the school’s strategies and approaches.”⁵³ Others require that schools “document a current strategic plan: Long-term goals that address the vision and mission of both the institution and the program, as well as specific needs of the program. Specific measurable action steps with expected timelines by which the program will reach its long-term goals.”⁵⁴ One school’s statement is snappily creative: “why—your school, this area, this particular degree.”⁵⁵ Finally, seven schools mention outcomes and/or measurement of results.

How mission statement requirements are viewed
by other professional institutions:

The paucity of literature on mission statements arising out of educational institutions other than law schools⁵⁶ allows for the reasonable inference that, having garnered little attention, the issue is not considered of particular importance.⁵⁷

Notwithstanding this apparent lack of interest in mission statements, a study of hundreds of U.S. high schools, funded by the Bill & Melinda Gates Foundation and conducted by educational policy consultants, concluded that “individual mission statements do matter.”⁵⁸ “[A] shared and lived sense of purpose” is conducive to a high level of “systems alignment.”⁵⁹

Having all participants understand the school’s mission statement is one thing. Ensuring that resources, schedules, professional development, student services, curriculum, co-curricular activities, and other school systems are in full support of the school’s mission is another. . . . A significant finding in these high-performing schools is that all of the oars are in the water and rowing in the same direction.⁶⁰

While this image may be difficult to envision at the average law school, the

53. See Accreditors’ Table, *supra* note 50, at 8 (information from Association to Advance Collegiate Schools of Business).

54. *Id.* (information from American Occupational Therapy Association and Accreditation Council for Occupational Therapy Education).

55. *Id.*, at 25–26 (information from Accrediting Council on Education in Journalism and Mass Communication).

56. See generally Scott, *supra* note 37, at 2 (offering a historical perspective on university missions, from medieval times, in the West and the rest of the globe). *Living the Mission*, appearing in the American School Board Journal, is headlined with the following: “*Is your mission statement an afterthought? Take a page from these successful schools whose mission statements drive all decisions.*” Michael Corso et al., *Living the Mission*, 24 AM. SCH. BD. J. 22 (2012). See Browyne Evans, *Community College Mission and Goals Development: A Process-Oriented Approach*, 18 COMMUNITY COLLEGE REVIEW 7 (1990).

57. See Scott, *supra* note 37, at 1. For a more recent scholarly piece evaluating the usefulness, or lack thereof, of mission statements in higher education, see Morphew & Hartley, *supra* note 12, at 456.

58. Corso et al., *Living the Mission*, *supra* note 56, at 22.

59. *Id.*

60. *Id.*

recommendations of this study bear consideration. The authors exhort schools to take “three simple steps” to transform a mission statement from a dusty plaque to a meaningful basis for action, suggesting the following:⁶¹

Step One: Ascertain whether all stakeholders know your school mission statement.

Random inquiry of a broad albeit unscientifically identified group of law professors over the past few years so far has uncovered only one who would even try to approximate the school’s statement from memory. Our survey suggests that very few law schools display their mission statements in prominent places, or at all; nor do they feature them in publicity materials, make them available to prospective students/faculty/staff, or ever ascertain the extent of those groups’ familiarity with them.

A law school can engage its constituents with its mission on a regular basis in multiple ways; a simple approach might be an annual open meeting, perhaps facilitated by an objective outsider, with an expectation of participation at a minimum by all deans and full-time faculty—the decision-makers—but also inclusive of alums, students, staff, and ideally an array of relevant “consumers” of the law school’s “product”: law firms, legal services offices, government agencies, etc. that typically hire the law school’s graduates. Even a few hours once a year with such a group, focused on appraisal of the continuing utility of the mission, could lead to a renaissance.

Step Two: Document evidence of the mission statement being lived through the school’s actions and goals.

Again, there are a host of ways to examine the congruence between mission statement and actual concrete choices made by the law school; at an annual meeting like that suggested above, participants could identify five or ten decisions taken during the prior years and discuss the ways in which they do or do not seem to comport with the mission. Consensus may not be reached except in the most blatant cases, but the process could be a valuable exercise in itself. Or, as with the environmental impact review or fiscal impact review prior to many government decisions, a pause for both administrators and faculty committees to consider whether each proposal would advance the school mission could become a procedural mandate.

Step Three: Take action to better align school behavior with the mission statement or commit to rewriting a mission statement congruent with the actual choices manifest in the school’s choices.

Implementing a mission can take two basic paths: (1) striving to conform institutional decisions to the mission, or (2) continuously or periodically

61. *Id.*

adjusting the mission to the law school's actual behavior. It may seem antithetical to the fundamental point of mission development — the “tie me to the mast” theory of constraint on future choices — but frequent mission revision in light of the law school's apparent preferences and pragmatic choices could help avoid the worst “mission abuse,” hypocrisy.

4. Everything that the best lawyers practice, and the best law professors teach, about means-ends thinking, theory of the case, and problem-solving confirms the necessity for explicit and conscious definition of objectives, both to make the choices conducive to achieving them and to know whether or not they have been achieved.

It is perhaps ironic that schools training lawyers, of all occupations, are less inclined to operate from well-defined, systemic objectives.⁶² Among lawyering teachers and in instructional programs offered to lawyers,⁶³ the step-by-step approach toward well-demarcated goals is presented as the bedrock model for practitioners.⁶⁴ There is a reason that the broadly-acknowledged definitive description of fundamental lawyering skills and values, the MacCrate Report, places “Identifying and Diagnosing the Problem” as the very first step in learning to exercise the Number One skill of Problem-Solving.⁶⁵ In addition, from the outset of clinical legal education, a hallmark pedagogy has been to

62. For discussion of the imperative that law schools define systemic objectives, see generally BEST PRACTICES, *supra* note 10; Michael Roster, *Facing Up to the Challenge: It's Time To Prepare Law Students for Their Profession*, ABA Journal Online (Jan. 29, 2015), http://www.abajournal.com/legalrebels/article/facing_up_to_the_challenge_time_to_prepare_law_students_for_their_profession/ [<https://perma.cc/D6QN-6DVP>].

For example, all first-year U.S. law students take a course in contracts. Later, they take courses in corporate law, real estate, and other substantive areas that rely heavily on contracts. Yet most have never seen or drafted a contract in any of their courses by the time they graduate. Any rational layperson would ask: How can you teach contracts without looking at a contract?

Id.

63. The National Institute for Trial Advocacy (“NITA”) claims to be and probably is the premier national “provider of learning-by-doing education for the legal profession.” NATIONAL INSTITUTE FOR TRIAL ADVOCACY, <http://www.nita.org/> [<http://perma.cc/AJP5-UJTP>].

64. See, e.g., STEVEN LUBET & J.C. LORE, MODERN TRIAL ADVOCACY: ANALYSIS AND PRACTICE, (Nat'l Inst. For Trial Advocacy ed., 5th ed. 2015); HAROLD ABRAMSON, MEDIATION REPRESENTATION: ADVOCATING IN A PROBLEM-SOLVING PROCESS I (Anthony J. Bocchino & Zeld Harris eds. 2004); Carl J. Circo, *Teaching Transactional Skills in Partnership with the Bar*, 9 BERKELEY BUSINESS L.J. 187–89 (2014); Carrie Menkel-Meadow, *Taking Problem-Solving Pedagogy Seriously: A Response to the Attorney General*, 49 J. LEGAL EDUC. 14, 15 (1999); Stephen Nathanson, *Designing Problems to Teach Legal Problem Solving*, 34 CAL. WESTERN L. REV. 325, 326 (1998).

65. ABA SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR, LEGAL EDUCATION AND PROFESSIONAL DEVELOPMENT – AN EDUCATIONAL CONTINUUM, REPORT OF THE TASK FORCE ON LAW SCHOOLS AND THE PROFESSION: NARROWING THE GAP 141–51 (1992) [hereinafter MacCrate Report]. As is often the case, Professor Anthony G. Amsterdam crystallizes the issue with lucidity and force: traditional legal education utterly fails to teach what he calls “ends-means thinking,” the essence of problem-solving—“the process by which one starts with a factual situation presenting a problem or an opportunity and figures out the ways in which the problem might be solved or the opportunity might be realized,” Anthony G. Amsterdam, *Clinical Legal Education – A 21st Century Perspective*, 34 J. LEGAL EDUC. 612, 612 (1984), or its constituents “hypothesis formulation” “testing in information acquisition,” and “[d]ecisionmaking in situations where options involve differing and often uncertain degrees of risks and promises of different sorts”—skills that, according to Amsterdam, are “no less conceptual or academically rigorous than case reading and doctrinal analysis.” *Id.* at 615.

teach the centrality of pinpointing short- and long-term objectives to solving the problems of a case.⁶⁶

5. The upheaval in legal education makes mission definition and differentiation particularly useful both for the result and the processes they entail.

Aside from the apparently less-than-compelling fact⁶⁷ that the ABA Accreditation Standards require law schools to develop mission statements and actually use them in their sabbatical self-assessments,⁶⁸ law schools are on the verge—perhaps by the time this piece is published, in the vortex—of pressures for change so major they evoke terms like seismic, titanic, primordial, etc.⁶⁹ The recent radical reduction or at least flattening in profit levels of most sectors of commercial law practice, combined with the shrinking of government and the defunding of public interest law, has made investing in legal education far riskier and less lucrative than in the past, and therefore less attractive to prospective customers. Entrepreneurs and innovators inside but mostly outside traditional law schools are carving out alternative pathways, not dependent on the current model of legal education, either to a law license or to new forms of licensed, independent, professional legal work. One example is Washington’s Limited License Legal Technicians.⁷⁰

True, within an elite echelon of well-resourced name-brand schools, little or no change may be necessary, and “add ons” rather than choices may be feasible. A few optimists within the academy continue to scoff at calls for more practical skills in the curriculum or more experiential learning—emphasizing

66. See, e.g., SUSAN BRYANT ET AL., TRANSFORMING THE EDUCATION OF LAWYERS: THE THEORY AND PRACTICE OF CLINICAL PEDAGOGY 13–33 (2014); LISA G. LERMAN ET AL., LEARNING FROM PRACTICE: A PROFESSIONAL DEVELOPMENT TEXT FOR LEGAL EXTERNS, Ch. 2, “Setting Goals” (2d ed. 2007); DAVID A. CHAVKIN, CLINICAL LEGAL EDUCATION: A TEXTBOOK FOR LAW SCHOOL CLINICAL PROGRAMS, Ch. 5, “Theory of the Client” (7th ed. 2002); ROGER S. HAYDOCK ET AL., LAWYERING: PRACTICE AND PLANNING (1st ed. 1996); GARY BELLOW & BEA MOULTON, THE LAWYERING PROCESS: NEGOTIATION, Ch. 4, “Constructing the Case” (1978).

67. At least a handful—our research indicates the number is nine—law schools operate without a mission statement. See *Mission Statements Table*, *supra* note 6.

68. *Supra* note 1.

69. The list of references for this proposition could fill a book: one convincing example is Brian J.M. Quinn’s essay, *The Coming Tide* (2013), http://works.bepress.com/brian_quinn/40/ [<http://perma.cc/J4YA-46R4>] which contains an excellent discussion of law schools’ affliction with “the cost disease,” i.e. the inherent inability of service-intense businesses to achieve productivity growth. See also James Heilbrun, BAUMOL’S COST DISEASE, in A HANDBOOK OF CULTURAL ECONOMICS 91 (Ruth Towse ed. 2003). A notably succinct summary of these several converging cascades of change is found at Larry Ribstein, *Practicing Theory: Legal Education for the Twenty-first Century*, 96 IOWA L. REV. 1649, 1658, 1662, 63–65, 75 (2011) (discussing the “death of Big Law,” the competition from non-lawyer financial and business experts such as Accenture for work that used to be deemed exclusively legal, as well as from online mass retail chains such as LegalZoom and global outsourcing companies for routine legal work, accelerating deregulation and elimination of licensing requirements, e.g. for in-house counsel; the eventual impact of USA law schools’ “educating the competition,” i.e. LL.M. students who can serve the global market better than their USA counterparts; and finally, direct competition for USA law schools from legal education options in India, Hong Kong, Australia, Singapore, New Zealand, and South Africa).

70. See WASH. STATE BAR ASS’N, <http://www.wsba.org/Legal-Community/Committees-Boards-and-Other-Groups/Limited-License-Legal-Technician-Board> [<https://perma.cc/XR7V-87PN>].

measurement of what is actually learned, not what is presumed to be taught, in law school pedagogy.⁷¹ But for the great majority of existing law schools, massive change will have to be managed, and for that purpose, a Mission Statement is an excellent, really an essential, tool—if it is not merely a collection of bromides that is never referred to when hard decisions have to be made. As the University of Dayton Law School Mission Statement observes: “Our mission and our vision have important implications for how law is taught here and how you can expect to be treated as a student.”⁷²

II. WHAT ARE THE CHARACTERISTICS OF THE BEST MISSION STATEMENTS, OR A PROPOSED RESTATEMENT OF LAW SCHOOL MISSION STATEMENT PRINCIPLES

In essence, a mission statement is a description of the relative value placed on different components of an institution’s focus, defined as objectives, and means of reaching those objectives. Specialists in guiding institutions through mission statement development⁷³ differentiate among several subcategories of the documents that can comprise mission statements, including “vision statements,” “value statements,” “core values,” “central commitment,” “strategic objectives,” “strategic initiatives,” and more. A prominent organization of US law schools offers that “[t]he mission statement is why you exist while the vision statement is your view of the future—where you want to go”⁷⁴—but this degree of nuance is not pertinent for present purposes.⁷⁵

Arguably, the acid test of the quality of a mission statement is that, upon reading it, a potential student should be able to say, “If I am looking for X, Y, and Z, I should attend this law school, but if I want to concentrate on A, B, and C, this is not the school for me.” To achieve that, the mission statement must

71. See Blake D. Morant, AALS Presidential Address, 2015 AALS Annual Meeting 3–4 (Jan. 4, 2015), https://www.aals.org/wp-content/uploads/2015/03/BlakeMorant_Standalone.pdf [<https://perma.cc/QY7G-LHXX>].

72. *Our Mission Statement*, UNIVERSITY OF DAYTON LAW SCHOOL, <https://www.udayton.edu/law/about/about-us/index.php> [<https://perma.cc/A8KP-MEX6>].

73. There ought to be a term for this occupational niche other than “mission statement consultant,” but we have not found one.

74. American Association of Law Libraries Toolkit on Mission Statements, AM. ASS’N OF LAW LIBRARIES, <http://www.aallnet.org/sections/pll/publications/toolkit/toolkitmissionstatement.pdf>. See *Hamline University School of Law Mission Statement*, HAMLIN UNIV. SCH. OF L., <http://www.hamline.edu/about/mission.html> [<http://perma.cc/6TZX-C6ZD>] (defining these subcategories as follows: Core Purpose: This is why we exist. Core Values: This is what we believe in. Vision: This is what we aspire to be).

75. See the most comprehensive analysis of law school mission statements to date, Gordon T. Butler’s *The Law School Mission Statement: A Survival Guide for the Twenty-First Century*, 50 J. LEGAL EDUC. 240, 240 (2000):

A *mission statement* is a statement of the fundamental reason for an organization’s existence. It tells something about the organization’s strengths, its public image, and its core values. It may also give a sense of confidence in the organization’s stability and its ability to achieve its objectives, and a sense of its uniqueness. A *vision statement* presents a mental image of what the organization would like to become. In practice both statements are referred to generically as mission statements.

Id. Butler suggests alternatives for evaluating mission statements, and is frankly critical of the failure of most U.S. law schools to assess their own goals. *Id.* at 251–52, 255–60, 263–64, 266–68.

capture the *raison d'être* of the school, its unique advantages, and the promises it is prepared to make to future students.⁷⁶

Hands down, Texas Tech is the best at this; among law schools, it offers the most exceptional multi-leveled Vision Statement,⁷⁷ broken down into Goals. Each Goal is then further defined by benchmarks of extraordinary clarity and specificity, setting numerical targets for everything from faculty speeches and distribution of article reprints to bar pass rates and LSAT scores, number of on-campus speakers from outside Lubbock and Texas; to retention of minority and female faculty, student-faculty ratio, funding so that scholarship awards cover 25% of student credit-hours, and median faculty salaries comparable to those of an identified comparable and local school.⁷⁸ Clearly, this law school is willing to define its vision of success in a public way that can be readily and objectively judged, both within and without the institution.

Another theme emerging from the copious literature on “how to write a mission statement,” presumably suggesting methods for purposeful statements, is to address at least three key concepts: (1) purpose; (2) program or methodology; and (3) values, or premises and beliefs. “Purpose” should include a verb indicating either change or preservation of an existing situation or condition. “Purpose” should focus on a result or outcome, not merely the performance of an activity. An example from one popular resource: “the purpose of a mental health counseling agency would never be simply “to provide counseling services,” for that is describing a method rather than a result. [T]he purpose might be “to improve the quality of life” for its clients.”⁷⁹ For law schools, then, the purpose should not be merely to provide classes and extracurricular support, but rather for students to graduate having learned and retained some or all of what they need to pass the bar and work as lawyers.

Canadian business school professor Christopher Bart, one of few to have recently conducted large-scale research on the actual use of mission statements,

76. Examples of law schools with mission statements offering these promises abound. See *Mission Statements Table*, *supra* note 7. Use of advanced technology (Abraham Lincoln), small size (William & Mary, Campbell), affordability (Birmingham), “caring environment” (Barry), social conscience/just society (John Marshall, Hamline), and most elaborately, to foster a legal career grounded in and governed a particular religion and its ethical dictates (Ave Maria, Baylor, Campbell, BYU—“to teach the laws of men in the light of the laws of God,” Catholic, Gonzaga, etc.). For a symposium issue composed of articles about religiously affiliated law schools, see *AALS Symposium on Institutional Pluralism: The Role of Religiously Affiliated Law Schools*, 59 J. LEG. EDUC. 1 (2009).

77. *Strategic Plan*, Texas Tech Univ. Sch. of L. (June 21, 2011), <http://www.law.ttu.edu/about/strategicplan/> [https://perma.cc/9AYS-2FHG]; see also, *Mission Statements Table*, *supra* note 7.

78. See *Strategic Plan*, *supra* note 77; see also *Mission Statements Table*, *supra* note 7.

79. Ron Meshanko, *What should a mission statement say?*, THE SUPPORT CTR., <http://www.idealists.org/> [https://perma.cc/E4CM-LE36]. Meshanko notes that in training boards of directors and senior staff at numerous companies and agencies, they can rarely paraphrase, let alone recite, their own Mission Statements. *Id.* He asks: “How can these people lead the organization? How can they lobby on its behalf? How can a person who can’t communicate the mission of the agency ask for a gift?” *Id.* See also Allison C. Shields, *How to Take Control of Your Practice by Creating Vision and Mission Statements*, LAW TRENDS AND NEWS (Feb. 2006); Wesemann, *supra* note 35.

describes them as potentially the “sex drive” or “libido” of any entity, capable of inspiring “passion and personal pleasure,” “commitment, involvement, and satisfaction.”⁸⁰ But, according to his respondents from 88 major corporations, they do not live up to their potential because “the vast majority are not worth the paper they are written on” and are riddled with “mendacity and misrepresentation.”⁸¹ That may be too harsh a verdict for most U.S. law schools, but Bart’s two major prescriptions for “mission components that really satisfy” i.e., (1) keeping the emphasis on an organization’s “distinctive competence,” and (2) a far more inclusive process of development and drafting than he found typical in leading U.S. corporations, are surely applicable to a law school’s efforts.⁸²

A. Mission Statements Are Not and Should Not Be Uniform.

No one is contending that all mission statements should identify the same ends or the same means. Far from it. In fact, “[p]rior reports on law school accreditation and legal education have recognized that ‘[e]xcellence [in legal education] . . . is best supported by encouraging pluralism and innovativeness.’”⁸³ Yet a review of all available mission statements of U.S. law schools reveals several near-universal themes:

“Demanding, Rigorous, Excellent” Almost every law school liberally employs some variation on one of these terms if not all three. They seem somewhat meaningless, and yet it is hard to imagine their absence.

“Diversity” Probably the next most common theme is a call for or claim of some type of diversity. Often the exact locus of diversity is inchoate, as vague as “a diverse environment”; when articulated, most commonly it refers to the student body, much more rarely to the faculty and/or staff. Many schools include a justification for this objective with an explanation, built right into the mission statement, of how a diverse law school is instrumental for preparing lawyers to function in a diverse profession or a diverse society. Temple’s Mission Statement, for example, focuses almost entirely on diversity goals.

“The Classic Threesome” Finally, almost every mission statement proclaims that its law school accomplishes the trifecta of dazzling teaching, cutting-edge scholarship, and outstanding public service. As is discussed below, few would dispute that these are worthy goals; the problem is the tendency not to

80. Bart, *supra* note 36.

81. *Id.* at 11–12.

82. *Id.*

83. ABA SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR, REPORT OF THE ACCREDITATION POLICY TASK FORCE 1 (May 29, 2007) (citing REPORT OF THE COMMISSION TO REVIEW THE SUBSTANCE AND PROCESS OF THE AMERICAN BAR ASSOCIATION’S ACCREDITATION OF AMERICAN LAW SCHOOLS 21 (Aug. 3, 1995, as revised, Oct. 31, 1995) [hereinafter Accreditation Policy Task Force Report]; *accord*, MacCrate Report, *supra* note 65.

acknowledge the tensions among them. A handful of schools⁸⁴ explicitly adopt all three as equally important, certainly a challenging undertaking that could be read as an attempt to balance the unspoken priority so often accorded scholarship. Most, however, make it sound as if each and every faculty member is able, willing, and expected to perform them all, suggesting that roughly equal rewards ought to flow to faculty whose teaching and service are exceptional even if their scholarship is not. We have yet to hear of a credible example of this.

*B. Mission Statements Should Be Specific and Honest,
Therefore Clear and Unambiguous.*

Honesty is always best, goes the adage, so this may seem to require little elaboration. As one early reader of this chapter, a recent law school graduate, noted, a key reason to keep the Mission Statement as accurate and genuine as possible is that alums, to the extent they become aware of it—and as discussed below, they should become aware of it—are especially well-positioned to assess whether the Mission Statement means what it says, and reflects the real basis for the institution’s decision-making.

The most egregious offenders in this regard are probably the schools that have adopted one-sentence mission statements,⁸⁵ like Harvard’s unremarkable commitment “to educate leaders who contribute to the advancement of justice and the well-being of society.”⁸⁶ While it is understood that all schools generate quantities of other informational material from which purpose and priorities may be gleaned, especially by the more sophisticated reader, that misses the point, perhaps the very point that the ABA Standards sought to achieve by requiring a mission statement from every school: one way to make it easier to compare law schools is to induce them to present certain critical pieces of information under more or less the same rubric in more or less the same conceptual place, so that it is possible, as the authors have, to construct a tool for comparison.⁸⁷ That is, if all law schools were to denominate in their

84. University of Idaho Law School, University of Tennessee School of Law, Cardozo School of Law, University of Pittsburgh School of Law, and University of Wisconsin School of Law. See *Mission Statements Table*, *supra* note 7.

85. See Vanessa Merton & Irene Scharf, *Mission Statements That Accurately Define, Distinguish and Reflect the Law School’s Praxis*, in *BUILDING ON BEST PRACTICES: TRANSFORMING LEGAL EDUCATION IN A CHANGING WORLD 12* (Deborah Maranville et al. eds., 2015). Some of these include the law schools at Georgia State University, Monterey College of Law, Oak Brook College of Law, University of Oklahoma, South Texas College of Law, Samford University, University of South Dakota, St. Mary’s College of Law, University of Detroit Mercy, University of Memphis, Vermont Law School, and West Virginia University. This tally excludes schools whose mission statement, although technically one sentence, is amplified by an accompanying Vision Statement, Statement of Core Values, Dean’s Message, or the like. See *Mission Statements Table*, *supra* note 7.

86. *Policies, Manuals, and Forms*, HARVARD LAW SCHOOL, [http://hls.harvard.edu/dept/hr/jobs-at-hls/\[https://perma.cc/33VP-GD5Y\]](http://hls.harvard.edu/dept/hr/jobs-at-hls/[https://perma.cc/33VP-GD5Y]); see *Mission Statements Table*, *supra* note 7.

87. See discussion *supra* note 6; see also Lynn, *supra* note 4, at 108: “The instinct to be all things to all people exists even at law schools with a distinctive mission, resulting often in mission statements that are buried in a sea of generalities and aspirations that would apply to every law school in the country.”

Mission Statements the same set of undifferentiated intentions—say, the “classic threesome”—in one sentence, the fact that elsewhere their publications elaborated on that Statement with greater specificity would not entirely compensate.

One large cohort of law schools that seem to take clarity in mission definition seriously is the religiously affiliated. About thirty-one schools embrace explicitly, in elaborate and usually lengthy statements, the inculcation of (mostly) Christian teachings and tenets, and in some cases natural law, as an important part of their overriding purpose “to glorify God” through a Christian environment.⁸⁸ Others emphasize that their “Christian perspective in a caring Christian community . . . guides our professional choices, actions, and directions. We believe that laws and legal institutions are subject to a moral order that transcends human authority and judgment.”⁸⁹ Fidelity to “biblical, historic, evangelical Christianity”⁹⁰ and cultivation of a “special [Catholic] sensitivity to ethical and moral concerns” permeate these lengthy and detailed Mission Statements.⁹¹ Often these schools emphasize a tradition of service to God and the larger community, using terms like “compassion” and “love” and “human dignity” that rarely appear among secular missions: “We seek to train a diverse student body not merely to be good lawyers, but to be lawyers who lead good lives, and who will be prepared to seek and to find meaningful work in service to others that will enrich their communities.”⁹² The comparatively few non-Christian religious law schools tend to speak more generally, citing the goal of incorporating religious, ethical and moral values into instruction and

88. See *Mission Statements Table*, *supra* note 6, at 24 (quoting Faulkner University Thomas Goode Jones School of Law). Also refer to the following law schools’ mission statements: Ave Maria University School of Law, Barry University School of Law, Baylor University School of Law, Boston College School of Law, Brigham Young University School of Law, Campbell University School of Law, Catholic University School of Law, Detroit Mercy University School of Law, Chapman University School of Law, University of Dayton School of Law, Duquesne University School of Law, Faulkner University School of Law, Gonzaga University School of Law, Liberty, Lincoln Memorial University Duncan of Law, Mississippi College of Law, Notre Dame University School of Law, Oak Brook College of Law, Pepperdine School of Law, Regent University School of Law, St. Louis University School of Law, University of San Francisco School of Law, Seattle University School of Law, St. John’s University School of Law, St. Mary’s University School of Law, Villanova University School of Law, St. Thomas University School of Law, Trinity Law School. *Id.* at 4–113.

89. See *id.* at 13 (quoting Campbell University Norman A. Wiggins School of Law).

90. See *id.* at 73. Trinity Law School Mission Statement also seeks to “[i]ntegrate law and theology throughout [its] curriculum, scholarship, co-curricular activities and overall strategy” and “[p]roduce scholarly and popular literature and broadcast media which embody a biblical Christian perspective on law and public policy.” *Id.*

As an institution committed to inerrant Scripture, given by God as our final authority for faith and life, we hold ourselves accountable to it and to each other with regard to these values as we cultivate academic excellence, Christian faithfulness, and lifelong learning . . . We are here to model and to engender Christ centeredness in all that we do. The lordship of Christ should affect and be evident in every aspect of education, relationship, and endeavor at Trinity.

Id.

91. See *id.* at 22 (quoting Mission Statement of Duquesne University School of Law). TRINITY LAW SCH., <https://tls.edu/history/> [<http://perma.cc/KD3U-CTRV>].

92. See *e.g.*, *id.* at 12–13, 16 (quoting Campbell University Norman A. Wiggins School of Law and Catholic University of America Columbus School of Law); *History & Mission*, BOS. COLL. LAW SCH., https://www.bc.edu/bc-web/schools/law/about/history-mission.html#par-bc_tabbed_content-tab-1 [<https://perma.cc/EBE9-7SB3>].

curriculum rather than focusing on a particular faith as their source.⁹³

Somewhat surprisingly, the mission statements of religiously affiliated law schools are those that most often express fervent commitment to tolerance and academic freedom. “The School of Law seeks to challenge students to embrace intellectual, personal, ethical, spiritual, ecological, and social responsibilities in an atmosphere of academic freedom.”⁹⁴ Almost all of these schools espouse ideals of equal opportunity and diversity; Loyola Law School, Los Angeles goes so far as to promise to adhere to legal non-discrimination obligations, not just moral ones.⁹⁵ For the most part, despite the vigor of their religious vocation, these schools do not want to appear to exclude students and faculty who do not share their identified doctrinal beliefs.⁹⁶

A “thoroughly unscientific”⁹⁷ sampling of mission statements from a variety of other professional schools revealed that these mission statements, much like the majority of law school mission statements, tend to be quite generic: the nursing school whose mission is “better health for all people”⁹⁸ (Yale); the medical school that emphasizes its enrollment of “a diverse group of academically talented students . . . to succeed as the future leaders and scholars of medicine”⁹⁹ (NYU); the engineering school seeking “to provide a modern liberal education, based on scientific principles and engineering

93. See Michael Herz, *The Role of One Religiously Affiliated Law School*, 59 J. LEGAL EDUC. 136, 138–40, 147–48 (2009), for excellent analysis and comparison of the missions of Christian and Jewish law schools.

94. See *Mission Statements Table*, *supra* note 6, at 6 (quoting Barry University Dwayne O. Andreas School of Law). A study of the reasons for this would be of interest.

95. *Mission & Values*, LOY. LAW SCH., L.A., <http://www.lls.edu/aboutus/overview/missionvalues/> [https://perma.cc/E6WC-CXD7].

96. *But see, e.g., Statement of Mission*, OAK BROOK COLL. OF LAW, <https://www.obcl.edu/statement-of-mission/> [http://perma.cc/QHN9-AQEV]. This is an explicit use of a well-defined mission to discourage applicants: “[t]he mission of Oak Brook College of Law and Government Policy is to train individuals who desire to advance the gospel of Jesus Christ through service as advocates of truth, counselors of reconciliation, and ministers of justice in the fields of law and government policy.” *Id.* This one-sentence Mission Statement is expanded upon by its Statement of Perspective and Convictions, which culminates with the assertion:

Oak Brook College’s faculty and students all profess a faith in Jesus as the Christ, the Son of God who was born in the flesh through a virgin birth, lived a sinless life, and was crucified as an atoning sacrifice for the sins of those who believe, resulting in a personal relationship with God through His Word and the indwelling Holy Spirit Oak Brook seeks students who identify with its mission

Id.

The Dean’s Letter:

Dear Prospective Student: As a mission-driven school, Oak Brook College is not for everyone, however. We are looking for individuals who have the convictions, character, and passion consistent with the College’s mission. The College’s faculty and students view law as a calling—not simply a career—and desire to use their training both to glorify God and serve others.

See <http://www.obcl.edu/deans-letter/> [http://perma.cc/G3U3-FYY2].

97. See *The Informal, Unofficial, Thoroughly Unscientific WNYC Exit Poll*, WQXR (Nov. 2, 2004) <http://www.wqxr.org#!/story/21484-the-informal-unofficial-thoroughly-unscientific-wnyc-exit-poll/> [https://perma.cc/3WKQ-32AL]. This reference is from the popular news talk show on National Public Radio, hosted by Brian Lehrer, who frequently invokes a “thoroughly unscientific sample” in polling listeners about various issues and campaigns. See, e.g., *id.*

98. *About YSN*, YALE SCH. OF NURSING, <http://nursing.yale.edu/about-ysn> [http://perma.cc/5MKG-VD8Y].

99. *NYU School of Medicine Admissions’ Mission Statement*, NYU SCH. OF MED., <https://www.med.nyu.edu/school/admissions/about-us/mission-statement> [https://perma.cc/4GZ3-F5JD].

practice, which forms the foundation for leadership in careers vital to society”¹⁰⁰ (Yale); the public health school that “provides leadership to protect and improve the health of the public”¹⁰¹ (Yale); the business school that aims to “develop principled, innovative leaders who improve the world and to generate ideas that advance management practice”¹⁰² (MIT Sloan); the technology school that “fosters a climate of economic competitiveness that prepares students for the global society.”¹⁰³ (No. Carolina A&T).¹⁰⁴ The challenge for law schools is to do better.

C. Mission Statements Should Integrate and Prioritize Objectives, Not Merely Identify Them; Should Be Prescriptive, Not Merely Descriptive; and Should Distinguish the Key Characteristics of the Law School and the Intended Outcomes of its Educational Program from Those of Other Law Schools.

Without integration and prioritization, as we have been seeing *ad nauseam*, little will be accomplished.¹⁰⁵ *Res ipsa loquitur*.

A worthwhile mission statement incorporates relative values that have been ranked. The major critique of the large majority of existing statements is their laundry list as well as generic quality, placing on a par everything from the noble goals of “furthering access to justice,” “civic engagement to advance the rule of law,” “nationally and internationally recognized leadership on important issues of law, law reform, public policy and justice” and becoming “one of the very best law schools in the country” to the more mundane “help place our recent graduates in interesting, rewarding and satisfying positions” or, particularly among schools that have more recently revised their Statements,

100. *Yale Institutional Self Study Report*, New England Association of Schools and Colleges Commission on Institutions of Higher Education, at 9 <http://www.yale.edu/accred/docs/YaleNEASCSelf-Study2009forWebsite.pdf> [<https://perma.cc/6FQR-VF85>].

101. Mission Statement, YALE SCH. OF PUB. HEALTH, <http://publichealth.yale.edu/about/background/mission.aspx> [<https://perma.cc/3PAY-QU9P>].

102. *WHY MIT SLOAN?*, MIT MANAGEMENT SLOAN SCH., <http://mitsloan.mit.edu/about-mit-sloan/> [<http://perma.cc/N48U-HZE4>].

103. *Mission*, N.C. A&T STATE UNIV., <http://www.ncat.edu/about/history-mission.html> [<https://perma.cc/FF6Z-VHGT>].

104. Many professional schools do spell out far more specific and focused missions, such as the technical school that seeks “to excel as a leading high-quality research institution engaged in education, discovery, and innovation with social, intellectual, and economic impact in the New York region, the nation, and the world.” *About the School of Engineering*, NYU TANDON SCH. OF ENG’G, <http://engineering.nyu.edu/about> [<http://perma.cc/2FQD-4VS2>]. The medical school that seeks to “[e]ducate and inspire scholars and future leaders who will advance the practice of medicine and the biomedical sciences; [a]dvance medical knowledge to sustain and improve health and to alleviate suffering caused by illness and disease; and [p]rovide outstanding care and service for patients in a compassionate and respectful manner.” *The YSM Mission Statement*, YALE SCH. OF MED., <https://medicine.yale.edu/about/mission.aspx> [<http://perma.cc/59YL-4LM3>]. Or the architecture school that seeks “(1) to stimulate artistic sensitivity and creative powers, (2) to strengthen intellectual growth and the capacity to develop creative and responsible solutions to unique and changing problems, and (3) to help the student acquire the individual capabilities necessary for the competent practice of architecture and lifelong learning.” *History and Objectives*, YALE SCH. OF ARCHITECTURE, <http://architecture.yale.edu/school/history-objectives> [<http://perma.cc/H7Y9-H94Z>].

105. See Merton & Scharf, *supra* note 85, at 17.

“integrate theory, doctrine and practice.” No one can quarrel with any one of these aspirations; the question is, even assuming that all of these can be achieved, or at least sought after simultaneously, how useful is a mission statement that does not offer guidance on their priority, especially as difficult choices need to be made?

It is possible to keep all these valuable targets on the law school’s screen and yet plainly state that some are more equal than others. A few law schools do identify excellence in teaching, for example, as a higher or even the highest priority.¹⁰⁶ Others adopt the opposite, but equally valid calculus: scholarship and theoretical research occupy the highest rank among their many pursuits.¹⁰⁷ More often, however, teaching, scholarship, and an indistinctly defined service

106. Baylor Law School, for example, frames its priority among multiple responsibilities this way (which, to do it justice, requires quotation at length):

Baylor University is dedicated to the traditional responsibilities of higher education: dissemination of knowledge, transmission of culture, search for new knowledge, and application of knowledge. Moreover, within the context of a culturally diverse community, Baylor University strives to develop responsible citizens, educated leaders, dedicated scholars, and skilled professionals who are sensitive to the needs of a pluralistic society. [Hitting the familiar notes of scholarship and diversity.] As a professional school, the School of Law has a particular obligation to develop students who have the character, maturity, skills, and values needed to assume leadership positions in a profession charged with responsibility for maintaining and improving our nation’s system of justice. Given that the legal profession is dedicated to providing service to clients, this obligation mandates first that the School of Law provide a program of education that endeavors to prepare students to provide legal services competently upon graduation.

... Meeting the obligation of preparing students to assume their responsibilities within an honorable profession therefore is the principal mission of the School of Law . . . the search for new knowledge is necessarily a part of the mission of the School of Law as well. The search for knowledge through scholarship, by faculty and students alike, is accordingly encouraged within the context of the principal mission of teaching and the School of Law, but this pursuit is secondary to and in service of the principal mission of preparing students for the practice of law.

Mission Statement, BAYLOR LAW SCHOOL, <http://www.baylor.edu/law/index.php?id=930089> [<http://perma.cc/X644-RQHF>]; see *Mission Statements Table*, *supra* note 6, at 6.

Campbell University School of Law also demonstrates that it is possible in a mission statement to provide clear direction about the correct emphasis to give the varied competing functions of legal education:

The faculty of the School of Law is a community of scholars who make teaching their priority and are readily accessible to students. They devote substantial time to serving students as mentors, coaches, and professional role models. All faculty have open-door office policies and are willing to consult regularly with students one-to-one. Our professors are deeply committed to the search for knowledge through meaningful legal scholarship, but never at the expense of their devotion to the academic success and professional development of each student.

Our Vision, CAMPBELL UNIV., <http://www.law.campbell.edu/page.cfm?id=327>

[<https://perma.cc/Z6B3-K8FW>]; see *Mission Statements Table*, *supra* note 6, at 12.

Other examples include the Mission Statements of the University of La Verne College of Law, University of Kansas School of Law, University of Mississippi School of Law, and, somewhat more implicitly, Brooklyn Law School, Mercer University School of Law, and University of Maryland School of Law. See generally *Mission Statements Table*, *supra* note 6.

107. This includes, for example, Boston College, UCLA, and, unsurprisingly, the University of Chicago, Law Schools.

What sets UChicago apart from other law schools is its unabashed enthusiasm for the life of the mind—the conviction that ideas matter, that they are worth discussing, and that legal education should devote itself to learning for learning’s sake. . . . Emphasizing the acquisition of broad and basic knowledge of law, an understanding of the functioning of the legal system, and the development of analytic abilities of the highest order, a UChicago legal education prepares students for any professional role they might choose[.]

Mission of the Law School, THE UNIV. OF CHI. THE LAW SCH.,

<http://www.law.uchicago.edu/school/mission> [<http://perma.cc/2SV4-55WS>]; See *Mission Statements Table*, *supra* note 6, at 79.

are defined as having equal precedence.¹⁰⁸

Another structural element of a mission statement is the decision to frame it as descriptive, prescriptive, or aspirational. Some law schools recount in detail the history of the school's founding and ongoing function, almost in the form of a creation story that illuminates the rationale for the school's current focus—a response to discrimination, for example.¹⁰⁹

Several mission statements are written in the present tense, as testimonials of fact, for example: CUNY School of Law is “the nation’s premier public interest law school A CUNY Law education prepares lawyers who are ready to right the wrongs, stand up for the underserved and fight for social justice”¹¹⁰ or

Notre Dame Law School is an eminent law school at the heart of a great Catholic university . . . engaged in an integrated mission that combines teaching, research, and service We do all of this within our Catholic tradition . . . , which spans the globe and embraces believers from all races, cultures, and levels of economic development.¹¹¹

The majority, however, are neither historical nor contemporaneous descriptions, rather employing language of aspiration. For example,

The mission of Southwestern Law School is to produce highly skilled graduates who are capable of integrating theory and practice to meet the challenges of the twenty-first century, excellent faculty committed to promoting the highest level of professionalism Southwestern seeks to create a vibrant, diverse academic community with a student-centered approach to legal education.¹¹²

Quinnipiac advertises,

We seek to imbue our students with the knowledge, skills and attitudes necessary for competent and ethical service in the legal profession. Accordingly, we will strive . . . to educate attorneys who prepare carefully, think independently and creatively, reason critically, act with compassion and respect for others, and express themselves cogently, both orally and in writing. We will also strive to inspire our students to embrace the professional ethic of service and to appreciate the value of “practical wisdom.”¹¹³

“Seeking,” “striving,” and “trying” are the verbs of choice in these Statements.

A variant that combines the aspirational and the descriptive are the

108. See generally *Mission Statements Table*, *supra* note 6 (quoting University of Idaho, University of Tennessee, University of Pittsburgh, and University of Wisconsin Law Schools, and Cardozo School of Law).

109. See generally, *id.* (quoting San Francisco Law School, and University of Virginia, University of Iowa, and Villanova University Schools of Law).

110. *CUNY School of Law*, THE CUNY SCH. OF LAW, <http://www.law.cuny.edu/index.html> [<https://perma.cc/T47W-9PNZ>]; *Mission Statements Table*, *supra* note 6, at 18.

111. *Mission*, UNIV. OF NOTRE DAME LAW SCH., <http://law.nd.edu/about/mission-history> [<https://perma.cc/D9UA-THZW>]; *supra* note 6, at 49.

112. *Mission and History*, SW. LAW SCH., <http://www.swlaw.edu/about/history> [<https://perma.cc/9JYH-AVVG>]; see *Mission Statements Table*, *supra* note 6, at 64.

113. Our Mission, Quinnipiac University School of Law, <https://www.quinnipiac.edu/academics/colleges-schools-and-departments/school-of-law/about-us/our-mission/> [<https://perma.cc/YE2P-N62U>]; see *Mission Statements Table*, *supra* note 6, at 56.

statements that avow a law school “will” achieve its chosen objectives, such as:

Santa Clara University School of Law will educate its students to meet the challenges of a legal profession and society that are increasingly global, technologically sophisticated, and diverse. In fulfilling this vision, the Law School will educate its students to become lawyers of competence, conscience, and compassion. The Law School will also advance knowledge and justice through scholarship and service.¹¹⁴

It may be that a mission statement conveys much the same information regardless of its tense, but there seems a perceptibly greater risk that a prospective student will be misled by an emphatic affirmation that a law school has already reached its goals than by the more modest assertion of making progress. As with all these factors, we hope that identification of this issue will spark some discussion when law schools draft or rewrite their mission statements.

Finally, a major component in deciding how to draft a mission statement is the extent to which it is descriptive or aspirational with regard to the expected outcomes or promises for students, as opposed to the characteristics of the institution. Of course there is necessarily some overlap, but the latter seem to be more familiar and commonly used. The simple Taxonomy we present here¹¹⁵ tries to capture this set of distinctions, without however including the generalized and vague competences that appear in so many Mission Statements, yet contain no discernible pathway to their achievement by most of that law school’s students. So, for example, an undertaking to enable students to acquire “the skills needed for practice,” or to have access to “courses or opportunities to learn lawyering” does not merit much analysis.

Among the mission statements based on institutional characteristics, one cluster stands out: a group that incorporates directly into their statements a commitment to use specific pedagogy. Many use vague allusions to “participatory” or “experiential” learning.¹¹⁶ But an interesting and seemingly recent development is the identification in a significant number of mission statements of specific teaching techniques, in essence declaring their use an end in itself. The Irvine University College of Law declares its commitment to, “in addition to the Socratic . . . use modern methods of instruction familiar to the successful businessperson, such as role playing and interactive teaching techniques . . . overhead projectors and computer generated outlines . . . in a proactive teaching environment.”¹¹⁷ Cooley School of Law asserts that it will provide “new technology, new modes of delivery of legal education, new programs and classes to prepare students for practice,”¹¹⁸ Abraham Lincoln

114. *Mission Statement*, SANTA CLARA LAW, <http://law.scu.edu/about/mission-statement/> [<https://perma.cc/NE2F-Z37A>]; see *Mission Statements Table*, *supra* note 6, at 6.

115. See *app. A*, TAXONOMY OF LAW SCHOOL MISSION STATEMENT TOPICS AND THEMES.

116. See, e.g., *Mission Statements Table*, *supra* note 5, at 22 (quoting Elon University School of Law)

117. See *id.* at 32–33.

118. *A Strategic Plan for 21st Century Legal Education*, W. MICH. UNIV. COOLEY SCH. OF LAW,

University School of Law alludes to “streaming video and interactive chat”¹¹⁹ as a favored instructional modality, and the University of New Hampshire Law School’s Mission Statement promises “active practice-based learning in small, cooperative and interactive learning environments.”¹²⁰

A significant subset of the outcome-based mission statements contains schools that embrace “social justice” as a principal outcome. These schools declare their intention to produce lawyers who desire to practice law in the public interest, and have learned how to do so during law school. Presumably, their career choices will reflect a strong social conscience and commitment to some form of *pro bono* or public service, especially advocacy for/representation of the underserved-underrepresented.¹²¹ Again, the religious schools often invoke social justice as an element of their ideal curriculum, although Ave Maria’s Mission Statement explicitly rejects the validity of any distinction between public and private interests;¹²² while St. John’s goes so far as to promise that its graduates will make it their business to search out the causes of economic and social injustice and find solutions.¹²³

Perhaps the most surprising set of outcome-focused mission statements are those that identify what can be termed “self-actualization” or “humanistic lawyering” as an intended competence. These statements invoke concepts and terminology that have only recently become associated with fundamental changes in the profession of law: for example, the University of Washington asserts “we develop our students’ intellectual sophistication, professional and leadership skills, and moral courage so that they not only do things right, they also do the right thing. To help our students and alumni achieve what is best for themselves, their families, their clients, and society, we assist them in identifying their values and goals and in charting a life in the law that is balanced and fulfilling.”¹²⁴ University of Massachusetts Dartmouth prepares its students to achieve “a satisfying and worthwhile career” by providing them

http://www.cooley.edu/about/strategic_plan2002.html [<https://perma.cc/SG8Q-93HE>]; see *Mission Statements Table*, *supra* note 6, at 71–72.

119. *Online Law School Los Angeles Southern California*, ABRAHAM LINCOLN UNIV. SCH. OF LAW, <http://www.alu.edu/school-of-law/> [<https://perma.cc/XDY9-DVA9>]; see *supra* note 6, at 1

120. *About*, UNIV. OF N.H. SCH. OF LAW, <https://law.unh.edu/about/> [<https://perma.cc/M2D4-L69V>]; see *Mission Statements Table*, *supra* note 6, at 97–98.

121. See, e.g., *Mission Statements Table*, *supra* note 6 (quoting Charleston, CUNY, St. Thomas University and John Marshall Schools of Law, and John F. Kennedy University, Northern Illinois University, and People’s Colleges of Law). For a thorough analysis of the place of social justice in law school mission statements, see Margaret Martin Barry, Martin Geer, Catherine F. Klein & Ved Kumari, *Justice Education and the Evaluation Process: Crossing Borders*, 28 WASH U. J. L. & POL’Y 195, 202–04 (2008) (reviewing twenty-five randomly selected law school mission statements).

122. *Career Services – Mission Statement*, AVE MARIA SCH. OF LAW, <http://www.avemarialaw.edu/Campuslife/Mission> [<https://perma.cc/QAC2-UFA4>]; see *Mission Statements Table*, *supra* note 6, at 4–6.

123. *About*, ST. JOHN’S UNIV. SCH. OF LAW, <http://www.stjohns.edu/law/about> [<https://perma.cc/RXD7-Y38H>]; see *Mission Statements Table*, *supra* note 6, at 64.

124. *UW Law: Leaders for the Global Common Good*, UNIV. OF WASH. SCH. OF LAW, <https://www.law.washington.edu/about/visionstatement.pdf> [<https://perma.cc/J5CN-ALAK>]; see *Mission Statements Table*, *supra* note 6, at 109–110.

with “[a]n introduction to the fundamental human questions connected with the study and practice of law, so that they may more fully understand the responsibilities of being a lawyer and thus be better prepared to face the challenges involved in the practice of law in 21st century American society.”¹²⁵ St. Thomas emphasizes the importance of relationships and emotional intelligence, and the nourishment of “each student in his or her unique journey from law student to lawyer.”¹²⁶ The former William Mitchell College of Law pledged to be “responsive to [the] family and career commitments”¹²⁷ of its students. And Northeastern strives “to fuse theory and practice with ethical and social justice ideals so students understand what lawyers do, how they should do it and the difference they can make in the lives of others.”¹²⁸

Several schools have adopted what could be viewed as idiosyncratic goals that focus on outcomes not exclusively for students, but for the institution itself, like Toledo’s mission to “be recognized as one of the top 100 law schools in the United States”¹²⁹ (one can only wonder, by whom?) or the University of Washington’s aspiration to become the “best public law school in the nation”¹³⁰ or the mission of Washington University: “to be the best place in the country to learn to be a lawyer.”¹³¹ Obviously, accomplishing the recognition, the reality, or both, would redound to the benefit of these law schools’ students and graduates.¹³²

D. Mission Statements Should Be Not Only Publicly Available, but Prominently Communicated to Current and Prospective Students, Staff, and Faculty.

Commentators on the use of mission statements in education, especially

125. *Mission Statement*, UNIV. OF MASS. SCH. OF LAW, <http://www.umassd.edu/law/about/profile/missionstatement/> [https://perma.cc/4SK9-7QW3]; see *Mission Statements Table*, *supra* note 6, at 93–94.

126. *Mission Statement*, UNIV. OF ST. THOMAS SCH. OF LAW, <http://www.stthomas.edu/mission/> [https://perma.cc/8YTX-JB2Y]; see *Mission Statements Table*, *supra* note 6.

127. See *Mission Statements Table*, *supra* note 6, at 119 (quoting William Mitchell College of Law mission statement prior to school’s merger with Hamline Law School).

128. *History and Mission*, NE. UNIV. SCH. OF LAW, <http://www.northeastern.edu/law/about/history.html> [https://perma.cc/FF97-W9VA]; see *Mission Statements Table*, *supra* note 6, at 44. The University of Washington Law School has also adopted a motto or slogan: “Leader for the Global Common Good.” *Public Service*, UNIV. OF WASH. SCH. OF LAW, <https://www.law.washington.edu/pserve/> [https://perma.cc/E8N8-M8SP].

129. *Student Handbook & Policies*, THE UNIV. OF TOLEDO COLL. OF LAW, http://www.utoledo.edu/law/studentlife/resources/handbook_policies.html [https://perma.cc/XAQ4-T4J2]; see *Mission Statements Table*, *supra* note 6, at 108.

130. *About the UW School of Law*, UNIV. OF WASH. SCH. OF LAW, <https://www.law.washington.edu/about/> [https://perma.cc/N7TB-A2W9]; see *Mission Statements Table*, *supra* note 6, at 109.

131. *Washington University in St. Louis (WUSTL) School of Law (WU Law)*, LLMGUIDE, <http://www.llm-guide.com/university/279/washington-university-in-st-louis-wustl-school-of-law-wu-law> [https://perma.cc/5QL9-FJGN].

132. The Taxonomy of Law School Mission Statement Topics and Themes (Appendix A) may be helpful to those coordinating mission statement work, as it summarizes many of the objectives that have been adopted in current law school mission statements.

in higher education, almost universally bemoan their neglect and irrelevance, even as institutions have invested substantial effort in their development. This phenomenon is often unfavorably compared with the central role of mission statements in the business world, where, it is said, every employee of every rank can recite key elements of the employer's mission, mission catchphrases show up everywhere from stationery to elevators to paychecks, and mission content drives the periodic evaluations of individual workers, supervisors, units, departments, and other internal entities. (To be sure, while business mission statements do not usually recite the obvious, that the overriding goal is maximizing profit, that singular purpose must make it easier to interpret and gradate the mission's components.) Dean Lynn makes a compelling argument for the centrality of faculty hiring in making missions meaningful: "Although the appointments committee cannot control how the mission is presented in the catalog or the web page for other audiences, it should communicate the real mission to prospective faculty members in a forceful and intentional manner."¹³³

E. Mission Statements Should Guide Decisions. Decisions Inconsistent with the Mission Should Be Identified.

Challenging as it may be to formulate a mission statement, the more difficult imperative is to use it, to continually incorporate it into the daily decision-making that cumulatively defines an institution and determines its future. Law schools offer few opportunities for collective affirmation of any type: perhaps an orientation program or graduation, but even those do not necessarily comprise the entire constituency of faculty, students, and staff. Cross-constituent collective reflection is even more rare. One intriguing example is Charlotte Law School, founded in 2006 and ABA-approved in 2011, which maintains the practice of starting every major meeting, including but not limited to faculty meetings, with an explicit review of its adopted mission and values.¹³⁴ In time it would be valuable to inquire whether this practice seems to sustain the Mission Statement's potency. A generation earlier, one of the first "alternative" law schools, CUNY School of Law, experimented with regular if not frequent gatherings of everyone who worked in the building, from first-year students to the Dean and all staff, including those who maintained the building, in what was dubbed the "Assembly."¹³⁵ Far from ritualistic, the

133. See Lynn, *supra* note 4, at 108–09 (describing Pepperdine Law School practice of asking faculty candidates to discuss in writing their ability to contribute to the mission and educational philosophy of the law school).

134. Communication with Professor Cynthia Adcock, Charlotte School of Law, October 12, 2013. See its distinctive "student outcome focused" Mission Statement at <http://www.charlottelaw.edu/our-mission.html> [<https://perma.cc/7JAZ-9TCD>].

135. Email from Professor Janet Calvo, to Irene Scharf, Professor of Law, University of Massachusetts School of Law & Vanessa Merton, Professor of Law at the Elisabeth Haub School of Law at Pace University (Mar. 17, 2016) (on file with authors).

Assembly discussed contentious policy questions and made decisions of great import to the new law school, and CUNY's Mission Statement—"Law in the Service of Human Needs"¹³⁶—was invoked constantly to resolve the conflicts (illustrating the shortcomings of its brevity, since virtually any position was justified with those seven words).

The literature on institutional decision-making in law schools is scant; rarely is there reference to using a mission statement in any aspect of the process. Gordon Butler conducted the most recent thorough examination of this question by querying law schools about the role of their mission statements in day-to-day decision-making.¹³⁷ Even among schools that had devoted substantial effort to creating detailed statements that could almost serve as operational plans, there was little acknowledgement of their actual use when it came to curricular choices; hiring or tenuring of faculty; approval of specialty centers or other ancillary programs; or major administrative decisions such as admissions criteria, scholarship awards, or allocation of resources to student service departments, like career development or academic support, rather than to faculty raises or research stipends.¹³⁸

One survey of curricular reform published in 2009 identified about forty-five people leading the effort at their respective schools, which presented a feasible and representative, if nonrandom, sample for inquiry about the mission statement process at those schools.¹³⁹ We asked several of these deans, and those subsequently holding deanships at the identified schools, about not only the earlier initiatives but also about subsequent curricular change at their schools.¹⁴⁰ While the response-rate, thirty-eight percent, was rather high,

136. More recently CUNY has adopted a more standard mission statement, although still notable for comparative brevity. "Everything we do at CUNY School of Law is motivated by our distinctive mission: to graduate outstanding public interest and public service attorneys and to provide access to the legal profession for underserved groups. From the beginning, we have formed an academic community centered on this mission." *Law in the Service of Human Needs*, CUNY SCH. OF LAW, <http://www.law.cuny.edu/admissions/cunylaw-brochure.pdf> [<https://perma.cc/4WF3-32JD>]; see *Mission Statements Table*, *supra* note 6, at 18.

137. See Butler, *supra* note 4, at 251. It is noteworthy that the survey responses itemized in the article's Table 3, "Ranking by Points of Decision-Making Values in 39 Law School Responses," in the section entitled "Values Used to Make Decisions," has no entry for mission statements under the column "Decision-making values." *Id.*

138. *Id.*; see generally, *supra* note 3; see also Lynn, *supra* note 4, at 107 ("It is an awe-inspiring sight when the faculty is committed to a single vision and implements it in virtually every aspect of law school operation.").

139. See *Chart of Legal Education Reform*, INSTITUTE OF LAW TEACHING (2009), <http://lawteaching.org/publications/ILTLchartoflegaleducationreform200905.pdf> [<http://perma.cc/ZC9T-Y97E>]; see also CATHERINE L. CARPENTER, A SURVEY OF LAW SCHOOL CURRICULA: 2002-2010, 13-16 (2012), http://apps.americanbar.org/abastore/products/books/abstracts/5290104%20exec%20summary_abs.pdf [<http://perma.cc/6NKN-V664>].

140. The following is the essence of our questions:

1. Is your school contemplating or engaged in revision or modification of its mission statement? Has your school assessed or changed its mission statement during the past year?
2. If yes, what has been or what do you anticipate will be the primary focus of the changes, including desired outcomes, different approach to achieving the objectives, both?
3. What process are you using? In addition to full-time faculty, who is participating in the revision process: Adjuncts? Administrators/senior staff? Current students? Graduates? Other practicing

particularly for a small sample, a considerable majority of those responding did not recall significant reliance on the school's mission statement, vision, core goals, strategic objectives, or the like. While predicted impact on admissions, bar passage, and placement—all occasionally addressed in mission statements—were definitely considered, adherence to the school's previously identified priorities was rarely a factor.

More specifically, a team from Thomas M. Cooley School of Law developed and presented a creative example of linking even a quite abstract and generic mission statement to the granular level of assessing syllabus and classroom technique.¹⁴¹ Using their own school's then-mission statement as a sample, they asked participants to identify terms and phrases in the statement that, in their minds, could be functional as teaching standards, goals, or positive attributes to be reflected in a teaching evaluation instrument.¹⁴² They then directed participants to focus on an example of their own (by extension, their law school's) teaching success: a graduate who had achieved success (presumably in that graduate's view).¹⁴³ They were asked to dissect that graduate's ambitions when entering law school, the school resources the graduate had utilized, and the graduate's demonstrable learning and career opportunities on graduation—all in the framework of a word cloud based on the school's mission statement.¹⁴⁴ This exercise, which had other interesting components, could be adapted to “test” the congruity between a mission statement and the actual assessment tools used at a school.¹⁴⁵

One wonders what would be the effect if, say, the ABA issued an Interpretation of its Standard, or if the American Association of Law Schools suggested, that every law school faculty annually devote not a business meeting, but at least one weekly colloquium or retreat day, to the Mission Statement, perhaps evaluating it in tandem with parts or all of *Educating Lawyers* and *Best Practices*. Even more productive might be a recommendation or requirement that incoming law students read the Mission Statement and spend a portion of orientation in small-group discussions with faculty about its significance for them, and that post-graduation and post-bar

lawyers? Law faculty/administrators from other law schools? Will you retain an outside consultant?

4. To what extent is your institution's decision to review/modify the mission statement related to the call for periodic re-evaluation of mission statements in the ABA Standards? To what extent is the decision occasioned by recent changes in the legal profession (sluggish market for grads, flagging applications, loan repayment concerns, etc.)? To what extent does the decision result from the critical examination of legal education by various task forces and reform advocates, such as BEST PRACTICES FOR LEGAL EDUCATION, EDUCATING LAWYERS (Carnegie Report), FAILING LAW SCHOOLS, etc.?

141. *Assessment Plan*, THOMAS M. COOLEY LAW SCH., http://www.cooley.edu/about/_docs/assessment_plan.pdf [<http://perma.cc/C7CM-UB9W>].

142. *Id.*

143. *Id.*

144. *Id.* See *supra* note 8 for word cloud example.

145. See Nelson P. Miller, Heather Garretson & Tonya Krause-Phelan, *Exercise in Mission Statement Re-evaluation*, INST. FOR LAW TEACHING AND LEARNING, TEACHING LAW PRACTICE ACROSS THE CURRICULUM, GETTING A GRIP: FRAMEWORKS FOR ASSESSING INSTRUCTIONAL MASTERY, Institute for Law Teaching and Learning Summer Conference, June 17-18, 2010.

exam, graduates be invited to engage in similar discussion—perhaps facilitated by technology—with faculty in small groups about the ways in which their school did and did not comport with its Mission Statement.

F. Mission Statements Should Be the Product of Ongoing Examination of the Law School's Ability to Achieve Its Stated Purposes. The Process of Mission Statement Development and Revision Requires Participation by a Comprehensive Group of Participants, Both Inside and Outside the Law School.

There may be even less consensus about best practices for developing mission statements than about the actual content of the statements. Resources and tools for mission statement development abound: a library of books and numerous websites offer not only guiding principles and pitfall warnings but copious quotations and examples from the mission statements of academic and not-for-profit institutions, as well as government agencies, commercial corporations, and even individuals.

Perhaps the most inspiring description of the right mindset for crafting an evocative yet meaningful Mission Statement comes from a nonprofit executive who compared the task to composition of a haiku, suggesting:

Mission statements represent the reduction of a complex vision into a few carefully chosen words . . . similar to poems that capture concrete images with metaphysical implications in just 17 syllables . . . Mission statements are the cornerstone of both external communication and internal vision . . . Your organization's mission statement deserves to be elegant, precise, and even poetic because these words embody the reason [it] exists. The mission statement will be your north star when sailing stormy boardroom seas; when discussion gets contentious, we look to the mission statement for clarity. These few words will guide future generations of our . . . leaders. Outside the organization, we can use a strong mission statement to communicate the core of our work in just a few lines If you are writing or rewriting your organization's mission statement, approach the process as if you were composing a purposeful poem, keeping each word's denotations and connotations in mind.¹⁴⁶

Another positive model involved an entire academic community in writing a mission statement intended to respond to new fiscal constraints; the work began by enlisting three key units—students, faculty, and staff—to caucus separately and then coalesce in a Mission and Goals Committee directed to “dream and envision and engage in creative conflict” over the course of a day and a half, followed by institution-wide forums for a final round of input. The result was a process of “cohesiveness and consensus rather than majority rule” and goals “broad, flexible, and timely enough to allow for growth and development but specific enough to provide direction for the Institutional

146. Christopher Finney, *Mission Haiku: the Poetry of Mission Statements*, NONPROFIT QUARTERLY (Mar. 5, 2008), <https://nonprofitquarterly.org/2008/3/05/mission-haiku-the-poetry-of-mission-statements-2/> [http://perma.cc/68EQ-9ZZU].

Planning and Steering Committee.”¹⁴⁷ While input and feedback about a proposed mission statement may be invited from both students past and present and colleagues at other law schools or in practice, the real question will be the ideal mix of faculty and administrators to play the central role in charting long-term institutional priorities. In the end, after ample discussion of varied proposals, who will have the authority to approve the final version?

Ultimately, the governance locus of the institution, whether Board of Trustees or Visitors or Directors, Provost or President or Dean, will formally adopt and promulgate a document or set of documents, but that begs the question, which is, really, who will construct and craft the text presented for approval?¹⁴⁸ Those with expertise in questions such as this “concluded that the process [of accreditation] would benefit greatly from input from all sections of the legal education community.”¹⁴⁹ If true, it follows necessarily that mission statement development would also benefit from a broad array of inputs. In thinking about this issue, we should also consider that law schools embrace a vast array of personnel statuses. It might seem reasonable, for example, to exclude adjunct or untenured faculty from the process, as lacking sufficiently solid and enduring commitment to the institution’s future.

Yet, in many law schools that would mean excluding the faculty whose primary teaching responsibilities are to deliver the experiential and skills development curriculum, including that most fundamental of law school courses: legal research, analysis, and writing. It would also mean excluding the faculty who are deeply embedded in current law practice and who most regularly interact with judges, adversaries, and practitioners about the performance of the school’s students and graduates, through clinics, externships, simulation courses, advocacy competitions, and professionalism programs. This does not make a lot of sense.

What if an essential qualification to develop a mission statement, rather than tenure or full professorship, were familiarity with the current critiques of legal education and the escalating literature on assessment of both law schools and lawyers? Or systematic study of the curriculum and teaching techniques and career guidance and scholarship practices and other key educational elements at a substantial sample of other law schools, perhaps the “peer group,” i.e. those schools which compete most successfully for prospective students?

Participating in these types of reflection can be enhanced by use of various resources that are increasingly available, such as inexpensive self-assessment techniques that can yield valuable information, even if not as precise and

147. Bronwyne Evans, *Community College Mission and Goals Development: A Process-Oriented Approach*, 18 CMTY. COLL. REV. 7, 11 (Winter 1990).

148. This is not to suggest that these august bodies and persons merely rubber-stamp whatever they receive. Certainly they could seek revision of any proposal. However, ordinarily they are not in a position to do so and would prefer to avoid having to revise.

149. *Accreditation Policy Task Force Report*, *supra* note 82, at 2.

reliable as might be needed to prove a case in court. A good example is Law Jobs: By the Numbers, a project of the Educating Tomorrow's Lawyers Consortium,¹⁵⁰ allowing for calculation and comparison of employment rates for ABA-accredited law schools, using the formulas commonly applied by organizations such as US News and World Report, National Association of Law Placement, Law School Transparency, and National Jurist. Alternatively, users can design their own formulas to focus on the employment outcomes that matter most to them. Law Jobs also describes each of the preset formulas, their strengths, their limitations, and the value judgments inherent in each. All of this allows prospective law students (and other interested observers) to compare postgraduate JD employment outcomes with different approaches, depending on their objectives.

G. Mission Statements Should Define (a) Student Success and (b) Benefit to the Future Clients of Law School Graduates as Primary.

The new wisdom in this era of thousand-flowered, diverse and multi-centered academic institutions is that it's all good, and there is no reason to limit academic ingenuity in devising curriculum. Regulation and accreditation have been too stringent, is the constant refrain. All law schools should adopt whatever objectives seem right for them; those choices can be faulted only for lack of clarity. Law professors often contend that it is impossible to identify one objective that is non-negotiable, one key idea that ought to drive the choices and decisions of all law schools. Yet, the popular image of a law school—however inaccurate that may be—is a place where people learn what they need to be ready to be licensed to practice law, not only to study, critique, or develop the law. Unless a law school explicitly rejects that function, then doesn't a fundamental, primary mission emerge? Such a school may of course be the home of tracks and programs not specifically designed to lead to a practice license, and may appropriately educate students who do not aspire to represent clients. But, whatever its other educational priorities, a professional law school, one that declares its graduates prepared to get a license to serve clients, must hold paramount the well-being of those future clients.¹⁵¹

A colleague remarked to one of us that we were fortunate to be working on the topic of best practices in mission definition because these goals can be

150. *Law Jobs: By the Numbers*, INST. FOR THE ADVANCEMENT OF THE AM. LEGAL SYS., <http://educatingtomorrowlawyers.du.edu/law-jobs> [https://perma.cc/9SA6-23AA].

151. Brent Evan Norton, *The Ninety-Five Theses: Systemic Reforms of American Legal Education and Licensure*, 64 S.C. L. REV. (2012) ("Every major decision made by a law school should reflect a genuine fiduciary commitment to their students – with the ultimate goal of producing graduates who will be competent, ethical entry-level attorneys, that is, graduates who are 'practice ready.'"); see also Janet W. Fisher, *Putting Students at the Center of Legal Education: How an Emphasis on Outcome Measures in the ABA Standards for Approval of Law Students Might Transform the Educational Experience of Law Schools*, 35 S. ILL. U. L. J. 225, 229-31 (2011) (discussing the relationship between law school mission statements and the assessment of educational outcomes, advocating that all mission statements include "preparing students for the practice of law" as a bedrock component).

accomplished without costing a law school anything. In reality, though, more perhaps than almost any other topic in legal education, recent developments make the creation or reinvention of a law school mission statement a potentially costly endeavor. Not its drafting, of course, but its implementation. For, if a Mission Statement is to address primarily the needs of law students, to “put [law] students first,” in the words of Roy Stuckey¹⁵²—one of the few substantive recommendations for the content of Mission Statements made here—there are only two ways to accomplish this.

One way is to maintain the status quo, e.g. to keep the bulk of full-time faculty doing what they have always done, teaching the same courses in more or less the same ways, and receiving the same excess compensation for producing the scholarship¹⁵³ that is arguably part of the law professor’s job description. Then everything else that has been absent or inadequately addressed in the law school’s educational program, everything in the way of positive change, will be defined as an “add on”—perhaps through myriad part-time and adjunct faculty or farmed-out programs.¹⁵⁴ Defined as new costs, this project appears doomed, particularly in this era of poorly resourced law schools.

The other way is to shift assets. The largest asset is tenured and tenure-track faculty. They need to more actively participate in new programs and courses to reclaim a greater proportion of direct engagement with students. This engagement should be used to ensure the greatest likelihood that the

152. Paul Caron, *Roy Stuckey’s Advice for Erwin Chemerinsky: Put Students First*, LAW PROFESSORS BLOG (October 1, 2007), http://taxprof.typepad.com/taxprof_blog/2007/10/roy-stuckeys-ad.html [<https://perma.cc/PNQ5-WL54>] (reciting a series of responses from “luminaries” of legal education to the question: What is the single best idea for reforming legal education you would offer Dean Erwin Chemerinsky as he builds the new law school at UC-Irvine?); see also BEST PRACTICES, *supra* note 10, at 5 (arguing the need for a student-centered rather than faculty-centered mission).

153. For commentary on the issue of funding scholarship and service and the impact on the cost of legal education; see *Accreditation Policy Task Force Report*, *supra* note 82, at 5:

Law schools are unusual among graduate and professional schools in that the majority of research and service in many law schools is funded by tuition. The tuition that is used to cover legal research is, for most students, the equivalent of an involuntary fee that they must pay in order to obtain law instruction and a law degree. If a research or service mission is required, it may be a substantial cost to students.

Id.

154. Note the differences between a “semester in practice” that is in-house in a clinic or law school center, and large-scale externships, which can work well for twelve hours a week; how likely is an outside host to be able to offer close and constant, full-time, semester-long supervision in the manner of in-house clinics? For examples of a variety of programs experimenting with “getting the students outside their law schools” see *Pro Bono Scholars Program – A Legal Education Initiative*, NYCOURTS.GOV, <http://www.nycourts.gov/attorneys/probonoscholars/index.shtml> [<https://perma.cc/ZL57-D2S3>]; Pace Law School’s multiple externship programs, see *Curriculum, Clinics and Externships*, Pace Law Path to Practice, <http://www.law.pace.edu/enviro-courses-clinics-externships> [<https://perma.cc/Z2QL-JD4V>]. For well-developed “[s]emester in [p]ractice” programs, see *Information for Students*, VT. LAW SCH., <http://www.vermontlaw.edu/academics/clinics-and-externships/jd-externships/information-for-students> [<http://perma.cc/F3NJ-ULJ6>] and UNIV. OF GA. LAW, <http://www.law.uga.edu> [<https://perma.cc/PW2J-Z92N>]. There are other types of enhanced externship programs, including the classic co-op model at Northeastern Law School. See *Experiential Learning/Co-Op*, NE. UNIV. SCH. OF LAW, <http://www.northeastern.edu/law/experience/> [<https://perma.cc/3MP3-DQJ3>]. Issues have arisen concerning possible conflict of these programs with the Fair Labor Standards Act. See Niki Kuckes, *Designing Law School Externships That Comply with the FLSA*, 21 CLINICAL L. REV. 79 (2014).

greatest number of students will pass a bar examination, an essential “gateway to practice,” on their first attempt;¹⁵⁵ without that, they cannot practice the profession for which many just spent upwards of at least a hundred thousand dollars. Second, these efforts should pervade activities that will help students develop their professional identities, such as maintaining ongoing conversations with them about courtroom (and classroom) decorum—these could include, for example, discussion of appropriate dress, and how to approach people courteously, civilly, and professionally.¹⁵⁶ One does not have to believe that it’s our job to get jobs for our students, but there’s a difference between making sure students are skillful enough to get jobs, and actually getting those jobs for them.¹⁵⁷

III. CONCLUDING COMMENTS

While not among our major conclusions, we suggest that law schools considering revision of their missions remain open to certain helpful elements: a link between admissions and mission;¹⁵⁸ a link between hiring and mission;¹⁵⁹ a commitment to affordability—perhaps a minimum percentage of the budget spent directly on education and/or service, rather than on scholarship; a capstone course involving global aspects of law practice, perhaps requiring reading or conversational proficiency in a language other than English or learning “how to work with interpreters and translators”; and some form of practice incubator or other postgraduate transition-to-practice program.¹⁶⁰

155. See ABA Standard 316, Interpretation 315-1 (2015-16). Is it not scandalous that law schools charge what they do and yet students have to spend even more on bar review courses? For correlation and lack thereof between law school success and bar exam passage, see, for example, Douglas K. Rush & Hisako Matsuo, *Does Law School Curriculum Affect Bar Examination Passage? An Empirical Analysis of Factors Related to Bar Examination Passage During the Years 2001 Through 2006 at a Midwestern Law School*, 57 J. LEGAL EDUC. 224 (2007). On possible *pro bono* service alternatives to part or all of the bar exam, see Kristin Booth Glen, *Thinking Out of the Bar Exam Box: A Proposal to “MacCrate” Entry to the Profession*, 23 PACE L. REV. 343, 484 (2003). It hardly seems unreasonable to argue that at least a piece of a law school’s mission ought to include enabling graduates to pass the bar examination, but if not, at a minimum that choice should be clearly communicated to prospective students.

156. This statement is reminiscent of the police motto, “courtesy, professionalism, and respect.” As an example, one of us recalls a morning in which a student, unknown to her, walked into her office (door was open), sat down on her couch, and said “Hi.” The professor stood up, put out her hand to shake his, and said “You are who, and you’re here to talk about what?” See Luke Bierman, *Northeastern’s Pathway to Practice Course; Legal Ethics and Professionalism and Co-op and Beyond*, 18 THE LAW TEACHER 1 (2011); see also, Alison Donahue Kehner & Mary Ann Robinson, *Mission: Impossible, Mission: Accomplished or Mission: Underway? A Survey and Analysis of Current Trends in Professionalism Education in American Law Schools*, 38 U. DAYTON L. REV. 57, 58–60 (2012); Susan L. Brooks, *Meeting the Professional Identity Challenge in Legal Education Through a Relationship-Centered Experiential Curriculum*, 41 U. BALT. L. REV. 395 (2012).

157. For a contrasting view, see Deborah Jones Merritt, *The Job Gap, the Money Gap, and the Responsibility of Legal Educators*, 41 WASH. U.J.L. & POL’Y 1, 27 (2013).

158. See Lani Guinier, *Confirmative Action*, 25 LAW & SOC. INQUIRY 565, 582 (2000).

159. See Richardson R. Lynn, *Mission Possible: Hiring for Mission in a Vague World*, 33 U. TOL. L. REV. 107 (2001) (although the first sentence, “[e]very law school has a mission,” is incorrect); Howard B. Eisenberg, *Mission, Marketing, and Academic Freedom in Today’s Religiously Affiliated Law Schools: An Essay*, 11 REGENT U. L. REV. 1 (1999).

160. See Luz Elena Herrera, REINVENTING THE PRACTICE OF LAW Chapter 1 (ABA Book Publishing) (2014). Among the more than sixty schools that have adopted these programs are: University of Massachusetts Dartmouth School of Law (two urban locations); Touro Law Center, California Western School of Law; Haub

There is real value in achieving mission statement progress, despite its difficulty and an arguable diversion of resources from other pressing needs, so long as it is correlated with regular, “whether we need it or not,” re-assessment. Consistent with regular sabbatical visits, this is tantamount to what the ABA STANDARDS appear to currently require, if they were applied with greater exactitude and rigor.¹⁶¹

School of Law at Pace University, and City University of New York Law School. *See id.*

161. *See Report and Recommendations of the ABA Task Force on the Future of Legal Education*, AM. BAR ASS’N, 5 (January 2014). http://www.americanbar.org/content/dam/aba/administrative/professional_responsibility/report_and_recommendations_of_aba_task_force.authcheckdam.pdf [<http://perma.cc/4789-4AWC>]. For a remarkably frank perspective on the need for and role of revised mission statements in American legal education, see these relevant excerpts from the ABA. *See id.*

Law schools, whatever their individual differences, have a basic societal role: to prepare individuals to provide legal and related services . . . The Task Force believes that each law school should make an assessment of the particular value it believes it can and should deliver, and make a commitment to communicating and delivering that value. There is substantial existing literature on which schools can draw to develop a statement of value to be delivered, such as the Carnegie Report and the statement of skills and values in the MacCrate Report The educational programs of a law school should be designed so that graduates will have (a) some competencies in delivering (b) some legal services. A graduate’s having *some* set of competencies in the delivery of law and related services, and not just some body of knowledge, is an essential outcome for *any* program of legal education. What particular set of competencies a school, through an educational program, should ensure is a matter for the school to determine. However, a law school’s judgment in this regard should be shaped in reference to: (a) the fact that most students attend law school desiring to practice law; (b) available studies of competencies sought by employers or considered broadly valuable for long-term professional success; and (c) the mission and strengths of the particular school. Further, whatever competencies a particular law school chooses to emphasize, the school should incorporate professionalism education into both doctrinal and experiential instruction.

Id. at 1.

There is need for innovation in legal education and a fair amount of it is under way. Although “innovation” is a malleable concept, at bottom what is needed, and being called for, is: (a) a greater willingness of law schools and others entities which deliver legal education services to experiment and take thoughtful risks The Task Force recommends that universities and law faculties move to reconfigure the faculty role and promote change in faculty culture, so as to support whatever choices law schools make to adapt to the changing environment in legal education . . . All parties involved in legal education should support a framework for the continual assessment of strengths and weaknesses and of conditions affecting legal education, and for fostering continual improvement.

Id. at 27–29. To the extent that any or all of these are adopted, mission statement changes would necessarily follow.

**APPENDIX A: TAXONOMY OF LAW SCHOOL MISSION STATEMENT TOPICS
AND THEMES**

INSTITUTIONAL CHARACTERISTICS

- A. Specific population served (in terms of students educated or future clients served or both), e.g., part-time studentsⁱ
- B. Students from under-represented communitiesⁱⁱ
- C. Geographic, e.g., “under-served rural communities of Appalachia”ⁱⁱⁱ
- D. Ethnicity^{iv}
- E. Foreign students^v
- F. “First to have graduated from college, seeking to better their lives”^{vi}
- G. African-Americans^{vii}
- H. Adult, mature students^{viii}
- I. “Working adults in the community” (both as students and future clients)^{ix}
- J. “Particularly committed to educational needs of those who seek to practice in small to medium law offices, corporate law department and governmental and other public service settings”^x
- K. Theory and practice integrated; experiential learning; “real world” opportunities^{xi}
- L. Interdisciplinary programs, close mutual relationship with University^{xii}
- M. Size of school/classes^{xiii}
- N. A “national” or “global” law school (not otherwise defined)^{xiv}
- O. Academic freedom^{xv}
- P. Faculty with practice experience^{xvi}
- Q. Accessibility to faculty, and availability of close individual mentoring, counseling, and academic support^{xvii}
- R. Guaranteed student governance role^{xviii}
- S. Physical facilities, library, technology^{xix}
- T. Quality of community and institutional climate: collaborative, respectful, healthy, etc.^{xx}
- U. Ongoing, regular institutional self-assessment – continuous improvement^{xxi}

STUDENT OUTCOMES

- A. Specialized competences acquired by graduation, e.g., writing skills^{xxii}
- B. Research and efficient use of library^{xxiii}
- C. Evaluation of legal issues, problem solving^{xxiv}
- D. Written and oral communication skills^{xxv}
- E. Independently locate evidence and retrieve sources, able to describe role of lawyers in social justice^{xxvi}
- F. “Fundamentals of client services, . . . of dispute processing and legal problem solving, legal research and writing”^{xxvii}
- G. “Technologically savvy, internationally aware lawyer-leaders”^{xxviii}
- H. Practice readiness—professional competence—professionalism—law office management—not only lawyering skills, but PRACTICE skills.^{xxix}
- I. Specific specialized doctrinal/theoretical knowledge: “newly emerging areas of law, particularly related to technological development, globalization, and . . . social justice”^{xxx}
- J. “American common law and the civil law that governs the majority of jurisdictions in the global community”^{xxxi}
- K. “Newly emerging areas of law particularly those related to technological development, globalization, and the quest for social justice”^{xxxii}
- L. Passage of the bar examination^{xxxiii}
- M. Employability/entrepreneurship^{xxxiv}
- N. Specific student career objectives: able to practice in smaller/middle-sized firms^{xxxv}

ⁱ[https://www.wcl.american.edu/studentaffairs/podcast.cfm?uri=http://www.wcl.american.edu/podcast/audio/20120408_WCL_1LPTAA.mp3&email http://www.johnmarshall.edu/futurestudent/j-d-program/program-overview-2/](https://www.wcl.american.edu/studentaffairs/podcast.cfm?uri=http://www.wcl.american.edu/podcast/audio/20120408_WCL_1LPTAA.mp3&email%20http://www.johnmarshall.edu/futurestudent/j-d-program/program-overview-2/)

https://law.lclark.edu/offices/admissions/who_we_are/evening_division/

http://www.luc.edu/law/admission/part_time_programs.html

<http://chaselaw.nku.edu/academics/programs/parttime.html>

<http://www.uakron.edu/law/admissions/ftpt.dot>

ⁱⁱ<http://www.udc.edu/docs/causes/DC%20EnvironMentors2014.pdf>

https://www.vault.com/images/pdf/schoolDiversity/diversity_3442.pdf

ⁱⁱⁱ<http://law.lmunet.edu/2013/03/22/lmu-duncan-school-of-law-honored-by-tennessee-bar-association/>

<http://s3.documentcloud.org/documents/285225/2009-letter-tble-sent-lmu-granting-the-school.pdf>

<http://www.law.tulane.edu/tlsStudentLife/index.aspx?id=728>

https://www.law.umaryland.edu/academics/program/curriculum/catalog/course_details.html?coursenum=550

B

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