



## Lowering the Tolls

Dean Nicholas W. Allard | May 2014



By now you have no doubt heard the news that our Board of Trustees has decided to cut tuition by 15 percent beginning in the 2015-16 academic year. This decision has received sustained national attention and prompted a much-needed public discussion about skyrocketing tuitions at law schools.

Brooklyn Law School's tuition cut is the latest enhancement to an evolving package of student-centric initiatives, including continued merit scholarships; the creation of the Dean I. Leo Glasser '48 Merit Scholarships for students with excellent GPAs; increased need-based aid; expanded loan repayment programs for graduates entering public interest or other lower-income positions; a tuition freeze for current and incoming students; and guaranteed below-market-rate housing for first-year students.

It's fair to ask why our law school's recent announcement has generated such an overwhelming response among educators, lawyers, and students. After all, while the upcoming 15 percent reduction is significant, tuition will still be expensive. Nor are we alone in tackling the issue. Other law schools have cut tuition in recent years for various reasons and through different means. It's also reasonable to expect that many other law schools will find ways to make legal education more affordable to qualified students and to reduce the crushing debt load that too many graduates bear.

I wish we could do more, and I wish it could have been sooner so that our recent graduates—who have faced the toughest legal market in history—would have benefited directly from the tuition reduction. But we're able to take action now, and we are determined to start attacking the problem.

## Confronting the Issues

Brooklyn Law School's aggressive approach has hit a nerve. If you ask who can afford to go to law school or afford a lawyer, the answer is: not most Americans. Those who do manage to attend often graduate with excruciating debt. They're compelled to take jobs with the highest paycheck to find some relief, rather than pursuing lower-salaried careers that might better fit their interests or that meet a critical demand. As a result, untold millions of Americans are deprived of access to quality legal services.

A January report by the American Bar Association's Task Force on the Future of Legal Education noted that "a widespread practice is to announce nominal tuition rates, and then pursue certain high LSAT or GPA students by offering substantial discounts (styled as scholarships) without regard to the recipient's financial need. Other students, by contrast, receive little if any benefit from discounting and must rely extensively on borrowing to finance their education." Warning calls have also been sounded by the New York State Bar Association and New York City Bar Association.

Meanwhile, Americans owe about \$150 billion in student loans to private lenders, according to the Consumer Financial Protection Bureau. *The New York Times* recently reported that 90 percent of student borrowers need co-signers, often their parents or relatives. Entire families are then susceptible to sudden defaults and repayment demands.

Bear in mind that the average student loan debt for law graduates is more than \$100,000 upon graduation—not including undergraduate student loans, the ABA reports. This is a national epidemic and it is why Brooklyn Law School's modest step forward has sparked conversations in law schools, firms, and families everywhere.

The federal government isn't making it any easier. Buried in the President's budget proposal are changes that, if enacted, would gut the decade-old and successful Public Service Loan Forgiveness Program (PSLF) and Pay As You Earn (PAYE) programs. The purported rationale for curtailing such programs that help make affordable legal services available to the public defies logic. Without any promise of deficit reduction benefits, the proponents give lip service to balancing the federal budget at the expense of indebted students who dedicate themselves to working for low public interest and public sector wages.



It's a shameful canard that student loans and indebtedness are the cause of high tuition. They are not. They're the symptom, not the cause. Tuitions at law schools are soaring, as the ABA and other observers point out, because of the way law schools spend money in pursuit of rankings rather than investing in students, education, professional training, and scholarship. Yes, write to your Congressman to revise the budget proposal, but in the meantime we must row away from the rocks.

With political currents eroding America's historic and successful support for higher education, we can't expect anyone else to help. We must do what we can to break this cycle ourselves. By making

law school expensive for motivated, talented women and men, we're shortchanging ourselves. In this country, lawyers have played the central role as guardians of our democratic republic and architects of economic opportunity and prosperity. They'll be needed even more in the future.

## Challenging the Status Quo

Brooklyn Law School is taking a stand against spiraling tuition hikes. Our first step will be to freeze tuition for all students for the 2014-2015 academic year. Our second step will be to reduce tuition by 15 percent the following year. A tuition reduction in effect provides every student with a scholarship of equal amount. While we continue to award merit scholarships, we'll be more selective and not fixated on LSAT scores alone. Already, alumni generosity in response to the announcement has enabled us to create new scholarships for incoming students.

We strongly believe that these measures—while not solutions in themselves—are important ways to begin to address the problem of law school affordability. Lower costs will provide greater access to more qualified students to Brooklyn Law School, as well as ease the debt burden that many students face. Being more selective in granting merit aid will allow us to spend more on need-based aid and enable greater accessibility and diversity.

Our tuition reduction is an effort to focus on the pursuit of quality education, qualified students, and world-class scholarship—while bucking the conventional wisdom that it is necessary to cater to a deeply flawed rankings system, like the hounds chasing but never catching the elusive mechanical rabbit at the dog track.

Instead, we emphasize facts that matter in the real world—including our 94 percent bar passage rate for the Class of 2013; the 90 percent of graduates from that same class who are currently employed in professional jobs where the BLS J.D. is a demonstrable advantage; and our location in the world's number one hotspot for technology, innovation, media, business, culture, and architecture, just to name a few.

We are hardly the only law school that can boast impressive reasons for students to attend their institution and aspire to be the next Atticus Finch, or dream of following in the footsteps of real-life giants like Lincoln, Gandhi, Mandela, Brandeis, Thurgood Marshall, Jr., Robert F. Kennedy, O'Connor, Scalia, and Sotomayor.

So why would we throw money at propping up artificial rankings when we could be giving back to our students? As we continue to prudently manage our overall costs, strengthen our balance sheet, and benefit from the generosity of our alumni, we are going to invest even more in our students. Most law schools feel pressure to do less and charge more. We're taking a different approach: doing more and charging less.

## Enhancing Quality

Granted, such decisions depend on a school's financial circumstances. Like any institution, Brooklyn Law School is keeping a close eye on its finances and overall fiscal responsibility. Our management approach to cost-cutting as directed by the Board over the last two years could be classified as "hardheaded but big-hearted." We're asking tough questions and responding as necessary.

To that end, we repeatedly ask ourselves a very simple question: Why are we doing this? If the answer is, "Because we always have," then it's time to reflect and make decisions based on hard facts and careful analysis. This approach has yielded a number of improvements, such as smarter use of technology for greater efficiency and productivity; consolidation of our student and faculty housing and the sale of unneeded real estate at an opportunistic time; and an extremely successful and very generous voluntary staff-retirement program.

But when you're on a diet, you still need to eat. Even in the midst of making noncurricular elements more effective and efficient, the faculty and the Board have approved tenure for three rising stars; added two scholars who are at the top of their respective fields nationally; welcomed an Executive Director of the Center for Urban Business Entrepreneurship (CUBE), who will also be teaching; and hired our new Director of Civil Externships, who will teach and provide even more training and supervision for our growing outstanding clinics (and to meet growing student demand for this work).

The overarching objective—driven by the Board and our faculty—is to improve the quality and relevance of legal education. We cannot cut into bone when we make reductions. Students are our purpose, not our excuse.

Our approach won't fit every institution, just as one approach to legal education won't suit every student. (By the way, that's precisely why we offer multiple J.D. options—2, 2.5, 3, 3.5, 4, and 4.5 years—to adapt to all prospective students' needs.)

Brooklyn Law School is blessed with a 113-year history as a pioneer, having opened its doors to women, minorities, foreign students, children of immigrants and working families, and the less advantaged long before other institutions did so, and provided a gateway to opportunity. We're celebrated for producing extraordinary graduates who are well educated and well prepared to enter the profession.

Our tuition reduction plan continues that tradition. We're justifiably proud that we have sparked a national conversation on something that affects us all.