Today, Berkeley and a number of other law schools offer specialized courses and activities in the environmental area. For instance, this year at Berkeley, we're offering Biodiversity Law, Energy Project Development & Finance Class, Environmental Justice, Environmental Law Writing Seminar, Environmental Law and Policy, Land Use Law, and the Law of Hazardous Waste, along with a field placement program. Students can also work on the Ecology Law Quarterly, our environmental law review.

It seems plain that two years provides less space than three years for these speciality courses. Today, the bar exam covers the first year courses, plus typically Corporations, Criminal Procedure, Evidence, and Professional Responsibility, plus maybe other topics such as basic commercial law or family law in some states. A lot of students also take building-block courses such as Administrative Law or Federal Jurisdiction. That would leave limited time for specialty courses.

On the other hand, students might be able to spend their third year doing environmental work in a private law firm, public interest group, or government agency. That could make up for the missing speciality education. The unknown here is how much those entities would be willing to invest in supervising and training. In running our field placement program, it turns out to take a lot of work to find placements where students will get good projects and close supervision. Lawyers, whether in private firms or elsewhere, are in the business of practicing law, not educating law students.

One thing that doesn't worry me is how the change would impact top law schools. Apart from offering larger LLM programs for students who want more specialization, they could easily expand their entering classes to use the empty seats and make up for lost revenue. Also, since students only have to pay for two years of school in order to get a degree, they could afford to pay more for each year. So top schools might be able to raise tuition significantly. It's even possible that some law schools would profit handsomely from the shift to two years.

It would be really interesting to see how all of this would play out. In general, I'm in favor of giving students, law firms, and law schools more options, so we can see how various forms of legal education/training would work out. It does seem a little ironic, however, that at a time when law has become increasingly complex and sophisticated, we're thinking about turning students loose with less of a legal education.