The Evolution of Experiential Legal Education

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To help bridge the gap between legal education and legal practice, in 2014 the American Bar Association ("ABA") adopted a requirement that law students take at least six credits of "experiential" courses. Despite limited research on the effects of this reform, the ABA is currently considering a new reform that would require law students to take twice as many experiential credits to graduate. We provide new theory and evidence for the debate over requiring experiential education. We study a model of the law school labor market that is compatible with the ABA's stated rationales for experiential learning requirements to generate testable predictions for the presence of market failures, including how the requirements should affect employment outcomes. To test these predictions, we first compile data to study the evolution of experiential legal education and the impacts of the 2014 reform. We document a dramatic rise in the number of experiential opportunities available to students even before the reform, and we find no evidence that the reform improved employment outcomes. However, we also find no evidence that the reform increased tuition or had a negative effect on bar passage. We then use transcript data from one law school to study how the 2014 reform impacted students' course selections. We find evidence suggesting that the reform expanded access to clinics primarily to students least inclined to benefit from them but without displacing students most inclined to benefit from them.

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1 Introduction

For more than 150 years, American legal education has primarily used the casebook method, in which students study judicial opinions to learn the law (Stevens, 1987). The primary goal of this method is to teach students the law and how to think like a lawyer. A long-standing criticism of this approach, however, is that it does not teach students how to actually practice law. To address this concern, many law schools began offering "experiential" courses designed to train students in practical lawyering skills. For example, whereas a traditional course may involve a professor questioning students about why a judge ruled a certain way in a contract dispute, an experiential course may involve a clinical professor supervising students as they help clients in a contract dispute.

Although the accrediting body for U.S. law schools—the American Bar Association ("ABA")—is as old as the casebook method, it did not start requiring experiential legal education as a condition for graduation until 2005, when it required a minimum of one experiential credit. After complaints that one experiential credit was insufficient, the ABA adopted a six-credit requirement in 2014. A decade later, in May 2025, the ABA Section of Legal Education and Admissions to the Bar recommended doubling the experiential requirement to twelve credits. Notably, although the ABA Council did not claim that the proposal would meaningfully change bar passage rates, employment outcomes, or the cost of legal education (Kuehn and Joy, 2024), they made the recommendation with only limited empirical evidence on its likely impacts. Instead, the Council relied on surveys of new lawyers, judges, and law firm partners that found they thought requiring more experiential education would better prepare law graduates for the practice of law (Joy, 2014).

In this paper, we provide new theory and evidence for the debate over experiential learning requirements. To guide our empirical analysis, we study a model that is compatible with the ABA's stated rationales for experiential learning requirements, one of which is that employers are broadly dissatisfied with law graduates' preparedness for legal practice. To capture this possibility, we assume that experiential learning makes law graduates more productive for employers. Like any regulatory intervention, an experiential learning requirement could be justified if it addresses some underlying market failure. We argue that the most

likely market failures compatible with the ABA's stated rationales lead either to law schools having insufficient incentives to offer experiential learning or to students having insufficient incentives to enroll in them. We show that both possibilities imply that experiential learning requirements would lead to certain testable effects on employment patterns across law schools. Thus, testing whether the ABA's 2014 reform generated such effects is one way to shed light on whether there is a market failure that could plausibly justify experiential learning requirements.

Our empirical analysis uses data from two sources. First, we use data compiled from annual reports submitted to the ABA by accredited law schools, including on experiential positions available—law clinics, simulations, and externships—from 1998 to 2024 as well as bar passage rates, employment outcomes, and tuition from 2011 to 2024. Second, we use transcript data from one law school that contains information on the courses taken by graduates between 1990 and 2019, which allows us to document individual students' enrollment in experiential courses and assess how the 2014 reform may have affected the types of students who took them.

We use this data to study experiential legal education in three ways. In the first part of our analysis, we document the landscape of experimental positions available before the ABA's 2014 reform. We find that law schools were already expanding experiential positions available in the years leading up to the reform. For example, the share of schools with more than two experiential positions available per graduating student increased from around 75 percent in the late 1990s to almost 100 percent in 2014. However, we also find that law schools took different approaches to experiential legal education in terms of both the number and type of positions available. For example, in 2014, whereas 24 percent of law schools had more than six positions available per graduating student, 10 percent had fewer than three. Moreover, higher-ranked schools have more clinical positions available but fewer simulations available and externships than lower-ranked law schools.

We next study whether differences in experiential positions available across law schools can be explained by their resources. Although some proxies for resources are associated with the number and type of experiential positions available, we find that resources explain only

13 percent of the variation across law schools. Given that there was considerable variation in experiential positions available even among law schools with comparable resources, this suggests that the varied approaches to experiential legal education that law schools took before the ABA's 2014 reform likely reflected different strategies and philosophies about the best ways to educate different student populations.

The fact that law schools likely had different intentional strategies in their approaches to experiential legal education raises the question of whether the ABA's 2014 reform should be best understood as primarily attempting to require law schools to offer more experiential courses or attempting to require students to enroll in the experiential courses that were already available to them, or both. Either of these could attempt to address certain market failures. We can directly test for the under-provision of experiential courses by assessing whether students had the option to take more experiential courses before the reform. To do so, we take advantage of the fact that before the reform, the ABA data reports both the number of positions available and filled in clinical and simulation courses, which allows us to compute the number of unfilled experiential positions. We define students at a law school as having "adequate options" if there is at least one unfilled position for every ten graduating students. By this measure, students increasingly had adequate options in the years leading up to the reform. For example, the share of law schools where students had adequate options increased from 73 percent in 1997 to 97 percent in 2014. These results suggest that the primary effect of the 2014 reform was to require students to enroll in courses that they previously did not choose to take.

In the second part of our analysis, we investigate the impact of the ABA's 2014 reform on the supply of experiential positions available, students' post-graduate outcomes, and the cost of legal education. Although the 6 experiential credit requirement was passed in 2014, it did not become effective for graduates until the class of 2019. When exploring how the reform ultimately affected curricula when it was effective, we find that the ABA requirement increased the number of experiential positions available per graduating student by 37 percent. The large majority of this expansion—67 percent—came from increases in simulation courses, with clinics explaining 18 percent of the increase and externships explaining the remaining

15 percent. However, just as law schools took different approaches to experiential legal education before the reform, we find that they also responded differently to the requirement. For example, the top 14 ranked schools expanded clinical positions available and externships more than other schools, and 28 percent of schools actually decreased the number of such positions available.

We then estimate the impact of the ABA's 2014 reform on students' post-graduate outcomes and the cost of legal education. To do so, we exploit the considerable differences in the prevalence of experiential positions filled across law schools that existed *before* the ABA reform. In particular, we leverage the fact that some schools already had large numbers of filled experiential positions, while others had relatively few. Comparing the schools that likely witnessed the largest and smallest effects of the reform in a difference-in-differences research design, we find no evidence that the reform affected bar passage rates, employment in JD-advantage jobs, employment in jobs requiring a law license, or law schools' net tuition. In other words, the schools that were likely forced to change their curricula the most in response to the reform did not experience improvements in the very student outcomes, bar passage and employment, the ABA uses to evaluate law school performance. However, we also find no evidence that the experiential course requirement increased tuition or had a negative effect on bar passage, as some critics had predicted.

In the third part of our analysis, we use transcript data from one law school to investigate the composition of students who take different forms of experiential legal education and the impacts of the ABA's 2014 reform on it. We first examine variation in experiential credits between graduating students in the years before the reform. We find that the share of students who would have satisfied different experiential requirements was increasing over time. For example, from 1990 to 2014, the share of graduating students with at least 3 experiential credits increased from 93 to 98 percent in 2014, the share with at least 6 credits increased from 79 to 90 percent, and the share with at least 12 credits increased from 35 to 67 percent. As this suggests, without a meaningful experiential requirement, the market can lead to considerable variation in the number of experiential credits earned by graduates.

We then estimate how the 2014 reform affected the composition of students in the

most expensive form of experiential legal education: clinics. We do so because the value-add of clinical education likely depends on students' first job after law school. In particular, students entering highly supervised settings—primarily big law firms—may benefit less from clinics than students entering jobs where they directly serve clients in high autonomy settings, such as legal services offices, public defender and prosecutor offices, non-profit legal offices, and small law firms (Kuehn and Joy, 2024). The reason is that graduates in highly supervised settings typically learn practical lawyering skills from experienced lawyers through on-the-job training in at least the first few years after law school, but graduates in high autonomy positions must rely more heavily on lawyering skills acquired in law school almost immediately after law school. To explore this idea, we use students' course selection to construct proxies for students likely to enter the most supervised and highest autonomy jobs after graduation. Using these proxies, we assess how the reform affected the composition of students enrolled in clinics. We find evidence suggesting that the reform primarily expanded clinic participation to students least inclined to benefit from it, but does not displace students most inclined to benefit from it.

Our study contributes to two lines of research on experiential legal education. The first has documented the history and development of experiential education (e.g., Joy, 2018). This largely qualitative literature has documented the emergence of experiential courses, their prevalence across law schools over time, and differences in how they are delivered (e.g., Grossman, 1974; Rakes, 1997; MacCrate, 2004; Adamson et al., 2012). The studies that are most related to ours in this line of research are Kuehn (2021) and Kuehn and Santacroce (2022), which document growth in both the availability and participation in experiential courses over time.

The second line of research assesses the potential benefits and costs of experiential legal education (e.g., Kuehn and Joy, 2024). This literature has primarily used empirical methods to study how much lawyers and employers report valuing experiential education,[1]

[1]Kuehn and Joy (2024) summarizes the results of over ten studies over the last thirty years on this topic and found that respondents believe that experiential legal education improves professionalism and professional identity. For example, Silver et al. (2011) finds that law students who participated in clinics reported greater commitment to serving the public good than other students, and Engler (2001) finds that law students report that participating in a clinic increased their interest in doing pro bono work after

how participating in a clinic affects student performance in simulations,[2] how being represented by clinical students affects client outcomes,[3] and whether experiential courses are related to bar passage and employment outcomes (e.g., Kuehn, 2015; Yackee, 2015; Kuehn and Moss, 2019).

More broadly, our study contributes to a growing body of research that uses empirical methods to study legal education. This literature has examined a range of topics, including the impact of class structure on student performance (e.g., Ho and Kelman, 2014); how to improve grading (e.g., Chilton et al., 2021); changes in the demographics of law students and professors (e.g., Katz et al., 2023; Brooks et al., 2025); tenure standards for law professors (e.g., Yoon, 2016; Chilton et al., 2021); the economic value of legal education (e.g., Simkovic and McIntyre, 2014; McIntyre and Simkovic, 2017); the effect or requiring clinical education on tuition Kuehn (2014); the role of ideology in legal education (e.g., Bonica et al., 2018; Chilton et al., 2020); and how to improve bar passage rates (e.g., Austin et al., 2017; Ryan and Muller, 2023). However, to the best of our knowledge, there is little empirical research on the impacts of ABA accreditation standards on legal education or student outcomes.

The remainder of this paper proceeds as follows. Part 2 provides background on the rise of experiential legal education. Part 3 discusses the possible justifications for experiential learning requirements. Part 4 introduces the data. Part 5 documents experiential positions available and student options in the period before the ABA's 2014 reform. Part 6 assesses the impact of the ABA's 2014 reform on experiential positions available, student outcomes, and the cost of legal education. Part 7 uses transcript data to assess how the ABA's 2014 reform impacted the courses taken by the students at one law school. Part 8 concludes by

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graduation. For other studies, see Garth and Martin (1993); Givelber et al. (1995); Sonsteng and Camarotto (2000); Dinovitzer et al. (2004, 2009); Montgomery and Khatamee (2009); Sandefur and Selbin (2009); Posner and Yoon (2010); Lexis/Nexis (2015); Gharakhanian et al. (2020); Thomson and Daniels (2020).

[2]This research has largely suggested that students with clinical experience perform better on simulated lawyering tasks than their peers (e.g., Alderman et al., 1981; Gerkman and Harman, 2015; Krieger, 2008; Moliterno, 2013).

[3]This body of research has found that litigants represented by clinics have outcomes that are either similar or more favorable than the outcomes of litigants represented by other parties (e.g., Zeidman, Zeidman; Ramji-Nogales et al., 2007; Eagly and Shafer, 2015; Shanahan et al., 2018; Wang, 2025). For example, Wang (2025) finds that clinics litigating in appellate courts obtained a reversal in 55 percent of immigration cases compared to the overall rate of 6-8 percent.

discussing the limitations of our research and its implications for the current debate on the ABA's 2025 proposal to expand experiential legal education requirements.

2 Background

We begin by describing the standard curriculum in U.S. law schools. We then turn to discussing the rise of experiential legal education, how the ABA has regulated experiential education, and the additional requirements the ABA is currently considering.

2.1 The Curriculum in U.S. Law Schools

Prior to American independence, there was no formal academic legal training in the United States (McManis, 1981). Instead of learning the law by obtaining an academic degree from a law school, most lawyers learned the law either through self-study or through on-the-job training during an apprenticeship with an experienced lawyer. The quality of learning through the apprenticeship model varied greatly, creating demand for more formal models of legal education.

Shortly after independence, two forms of academic legal education emerged at roughly the same time. The first emerged in roughly 1784 when "proprietary" law schools began to open. In these law schools, practicing lawyers would teach law through methods and materials they kept private (McManis, 1981). The second emerged in 1779 when existing universities first appointed law professors. These academic courses were the first to have "a discernible relation to practical training in law" (McManis, 1981, at 609).

Despite these forms of legal education emerging in the late-1700s, universities did not begin commonly offering law as a distinct course of study until the late-1800s (Joy, 2018). Around the same time that university-based law schools began to spread, Harvard Law School developed what became the standard educational model for U.S. law schools (Jennison, 2013). This educational model structured legal education as a three-year graduate program with courses taught mostly by full-time law professors rather than practicing lawyers, and where students are required to take a set of mostly common law courses in the first year but have the freedom to choose their courses in the second and third years.

During this same period, professors at Harvard also developed a method of instruction

that would dominate legal education for the next 150 years. This method of instruction, known as the casebook method, requires students to read real court decisions and devotes class time to exploring the reasoning behind those decisions (Stevens, 1987). The primary focus of this method of instruction is to teach students how to think like a lawyer rather than to teach students how to be a lawyer. The goal of the method was thus not primarily intended to help build the type of skills lawyers need to practice law, such as in oral advocacy, negotiation, dealing with clients, and managing cases.

2.2 The Rise of Experiential Legal Education

Concerns about the lack of skills training in law schools grew in the 1940s and 1950s. Starting mostly in the 1950s, law schools began experimenting with a different form of legal education that is now known as experiential learning (*see generally* Joy, 2018). By the end of the 1950s, 21 percent of law schools had externship courses and 33 percent had some form of either clinical or externship courses (AALS, 1959).

Although ABA standards for what it means for a course to be experiential did not arise until much later, there are three forms: clinics, simulations, and externships.[4] Law school clinics provide substantial lawyering experience that involves advising or representing one or more actual clients under the supervision of law faculty who are also practicing lawyers.[5] Simulation courses teach lawyering skills through mock exercises such as client interviewing, negotiation, depositions, simulated trials, and oral arguments.[6] Externships, often called field placements, are similar to clinics in that they train students by direct involvement in actual legal practice, but differ in that students work off-campus with practicing lawyers, or judges for judicial externships, who are generally not on the faculty, usually in a court, government agency, or public interest legal organizations.[7]

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[4] *See* ABA Standard 304(a) ("Experiential courses satisfying Standard 303(a) are simulation courses, law clinics, and [externships] that must be primarily experiential. . .").

[5] ABA Standard 304(c) ("A law clinic provides substantial lawyering experience that involves advising or representing one or more actual clients or serving as a third-party neutral.").

[6] ABA Standard 304(b) ("A simulation course provides substantial experience not involving an actual client, that is reasonably similar to the experience of a lawyer advising or representing a client or engaging in other lawyering tasks in a set of facts and circumstances devised or adopted by a faculty member.").

[7] ABA Standard 304(d) ("[An externship] provides substantial lawyering experience that (1) is reasonably

Simulation courses were the first form of experiential legal education to emerge in a meaningful way, starting in most law schools in the 1950s. Clinics were the second form to emerge in a meaningful way as part of progressive reform movements in the 1960s and 1970s, when students increasingly wanted to "use law as an instrument of social change and to be involved in the legal representation of poor people" (Milstein, 2001, at 375). The history of externships is less clear. One reason is that although the first precursors to what would now be called externships started in the late 1890s and early 1900s, they were not distinguished from clinics until the 1970s.[8] Another reason is that early versions of externships were given various terms like internship, field experience, legal aid dispensaries, and legal aid bureaus (e.g., Ehrlich and Headrick, 1969; Thorsnes et al., 1968).[9] ABA standards first clearly mentioned externships as courses that can earn credit in 1973.[10] This standard is important because an externship is, by definition, an experiential learning *course* in law school that counts as credit towards graduation rather than just work experience. In 1977, the ABA clarified that substantial faculty supervision of students working with practicing lawyers is necessary to be considered an externship.[11]

As student demand for experiential courses increased, law schools began offering more and more such courses through the 1960s and 1970s (Joy, 2018). By the mid-1970s, simulation courses in particular were commonly offered by U.S. law schools. For example, in 1974, the average law school had 8 experiential courses (ABA, 1979, at 3-4). Despite this increase in simulation courses, law school clinics were still rare through the 1960s but be-

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similar to the experience of a lawyer advising or representing a client or engaging in other lawyering tasks in a setting outside a law clinic under the supervision of a faculty member and, at [an externship], under the supervision of a licensed attorney or an individual otherwise qualified to supervise, and (2) includes the following [list of four additional requirements].").

[8]The phrase legal aid clinics was originally used, starting in the late 1890s, to refer to both law school clinics and internships outside of the law school, primarily with legal aid offices and public defenders that were also termed field experiences by the 1940s.

[9]To the best of our knowledge, the first mention of an extern program in a law review article was in the early 1970s (e.g., Bergesen, 1972), and the first law review article to use the word "externship" was in 1976 (Holmes, 1976).

[10]ABA (1973) stated that "a program that permits or requires student participation in studies or activities away from the law school . . may be included as satisfying the residence and class hours requirements."

[11]ABA Memorandum 7778-27 (last visited August 20, 2025).

came more common in the 1970s (Barry et al., 2000). After the 1970s, experiential positions available continued to expand but did not become widespread for decades. For example, in 1990, the average law school offered 15 experiential courses that comprised 9 percent of total instructional time (ABA, 1992).

Although this article focuses on the years 1997 to 2024, we illustrate one aspect of the early rise of experiential education: faculty hired specifically to provide clinical education. We parse information from annual publications of the Association of American Law Schools from 1970 to 2011 to identify law professor titles that contain the word clinic.[12] Assuming that law schools without any professors identified as clinical faculty do not have any clinics, then a law school's first clinical faculty appointment would capture the year when it officially created their clinical education program. This assumption is, of course, unlikely to hold at many law schools, as professors with regular, non-clinical appointments teach law clinics, which was especially true in the 1970s but is still true today. Moreover, some schools use the term "clinical" in appointments to include faculty teaching in externships or even legal writing. As a result, these results should be interpreted only with respect to faculty position titles and should be viewed with caution, but we nonetheless report them to provide some evidence related to clinical education in the four decades since 1970.

Figure A1 reports the share of law schools with different numbers of professors with a title containing the word clinic over time. In 1970, almost every law school had zero professors identified as clinical faculty. By 1980, 61 percent of law schools had zero professors identified as clinical faculty. And by 2011, 88 percent of law schools had zero professors identified as clinical faculty. As we will see below, ABA data reveals that less than 5 percent of law schools had clinical positions available in 2011, suggesting that using professors identified as clinical faculty to identify law schools with clinical education understates the true number of law schools with it.

[12]See Katz et al. (2023) for more information on the data and how it was collected.

2.3 The Regulation of Experiential Legal Education

In 1921, the ABA first adopted law school accreditation standards, but none of the four requirements related to the curriculum.[13] By 1969, 3 of the ABA's 20 law school accreditation standards related to the curriculum (ABA, 1969). Although these standards stated that the method of instruction should be "based fundamentally but not exclusively on the case method, and participation by the students in classroom discussion," they referenced "legal aid clinic" as one of the additional methods of instruction.

From the 1970s to 1990s, the ABA initially imposed and then strengthened requirements for law schools to *offer* experiential learning courses. In 1973, the ABA required law schools to offer *at least some* "training" in professional skills (Standard 302), which could have been through courses or possibly co-curricular activities (e.g., moot court), but specific courses were not required. In 1981, the ABA required law schools to offer *at least some* "instruction" in professional skills (Standard 302), which required experiential course offerings. These original requirements were modest, as they did not require law schools to offer experiential courses to all students. In 1996, the ABA required law schools to offer *all students* "adequate opportunities for instruction in professional skills."[14]

Despite the rise in experiential positions available in the 1970s through the 1990s, the ABA did not impose requirements for law schools to require *students to take an experiential course* until 2005.[15] After the adoption of this requirement, some law deans and faculty had

[13] Those initial accreditation standards were: 2 years of college for admission to the law school; a law school course of study consisting of 3 years; an adequate library; and a sufficient number of full-time teachers. A.B.A Rep. 1921.

[14] The ABA amended Standard 302 to say that: "A law school shall offer to all students . . . adequate opportunities for instruction in professional skills." ABA Standard 302 was also amended to state: "A law school shall offer live-client or other real-life practice experiences. This might be accomplished through clinics or externships. A law school need not offer this experience to all students."

[15] ABA Standard 302(a) was amended from stating that law schools "shall offer" instruction in professional skills to stating that: "A law school *shall require* that each student receive substantial instruction in . . . other professional skills generally regarded as necessary for effective and responsible participation in the legal profession." An interpretation of the standard explained the "other professional skills" included activities such as interviewing and client counseling, trial and appellate advocacy, negotiation, alternative dispute resolution, drafting, factual investigation, and organization and management of legal work. In addition to these experiential requirements, the only other required courses in ABA Standard 303 are "one course of at least two credit hours in professional responsibility" and "one writing experience in the first year and at last one additional writing experience after the first year, both of which are faculty supervised."

different views about the meaning of the standard—that a "law school *shall require* that each student receive *substantial instruction*." In 2010, the ABA issued a guidance memorandum resolving the ambiguity, stating that *substantial instruction* should be interpreted a minimum of one credit. In 2014, the ABA Council increased the experiential course requirement to a minimum of six credits.[16] Some view both the 1- and 6-credit requirements as modest. For example, Joy (2014) points out that whereas the initial 1 credit requirement amounted to less than 2 percent of legal education and the 6 credit requirement amounts to 7 percent, many other professions require anywhere from 25 to 50 percent of all professional education to be experiential in nature.

In 2022, the Standards Committee of the ABA Council began reviewing the experiential requirement. In the Spring and Summer of 2023, it surveyed law schools and held a roundtable discussion. In January 2025, it conducted an additional survey. On May 2, 2025, the Standards Committee released a memo recommending that several proposed changes to the ABA Standards relating to experiential education be submitted for notice and comment. Those changes were: (1) "increas[ing] the number of required experiential learning credit hours from 6 to 12," (2) "requir[ing] at least 3 of those credits to be in a clinic or [externship]," and (3) "not permit[ing] any experiential learning credit hours earned in the first one-third of a law student's program of legal education to count towards the 12 required credit hours."[17] These proposals were opened for a 45-day Notice and Comment period that ended on June 30, 2025. On August 15, 2025, the Standards Committee released a memo noting some changes to its proposal, including permitting up to 3 of the required 12 hours in the first one-third of a student's education, and recommending that "the Council approve several changes to Standards 303 and 304 for another round of Notice and Comment to address some commenters' concerns."[18] At its August meeting, the Council withdrew

[16]More specifically, ABA Standard 303(a)(3) requires law schools to "offer a curriculum that requires each student to satisfactorily complete . . . one or more experiential course(s) totaling at least six credit hours."

[17]These proposed changes are to ABA Standards 303, 304, and 311. *See* ABA Standard Council Memo, May 2, 2025 (last visited August 19, 2025) [*hereinafter* "ABA May Memo"]. Notably, the ABA Council made these recommendations despite rejecting a proposed requirement of a minimum of 15 credits in 2014.

[18]ABA Standard Council Memo, August 15, 2025 (last visited August 19, 2025).

the proposal in order to bring new Council members up to speed on how the proposal was developed and to consider possible changes (Hill, 2025).

3 Possible Justifications for Experiential Learning Requirements

The ABA's rationale for the current proposed expansions of experiential legal education requirements is the same it gave for its proposed 2014 experiential learning requirements: the current level of experiential legal education fails to adequately prepare graduates for the actual practice of law. In making its recommendation for increasing the experiential education requirements, the ABA Council focused on the Standards Committee's finding "that experiential education is the preferred method for teaching a range of skills that are necessary for effective, ethical, and responsible participation in the profession, including enhanced professionalism and professional identity, the development of critical thinking and problem-solving skills, and the acquisition of 'soft skills,' such as time management and empathy."[19] Although the ABA Council views the goal of requirements to help "ensure that graduates are better prepared for the actual practice of law," it has never linked the requirements to measurable outcomes, including bar passage, employment, and the cost of legal education. Instead, the ABA Council pointed to surveys of students, new lawyers, supervising lawyers, and judges that new graduates are not sufficiently prepared for the practice of law,[20] and it pointed to studies suggesting that the 6 credit experiential requirement are not related to bar passage or tuition.[21]

Importantly, regardless of what kind of evidence is used to support them, experiential learning requirements from the ABA are a regulatory intervention. They override the market, mandating minimum levels of experiential education rather than allowing enrollment decisions to arise organically. In general, such interventions are likely to be efficient only if they help address some underlying market failure. As such, for experiential learning requirements to lead to better outcomes than the market, there must be some market failure

[19] ABA May Memo at 4 (citing Eyler, 2009; Hulaikah et al., 2019; Kang et al., 2022).

[20] ABA May Memo at 4-5 (citing Gulati et al., 2001).

[21] ABA May Memo at 7-8 (citing Bolus, 2018; Kuehn, 2016, 2014).

problem that prevents law students from taking enough experiential learning courses.

In this part, we first discuss possible market failures and then study a labor market model to derive testable predictions about the impacts of experiential learning requirements on employment.

3.1 Possible Market Failures

It is helpful to start by considering what the ABA does and does not allege as its stated rationales. It does *not* allege that the requirement addresses the traditional asymmetric information market failure that justifies professional licensing: in the market between clients and lawyers, clients cannot observe the quality of legal services even after the services are rendered, so they cannot adequately reward high-quality services or penalize low-quality services. In turn, this could lead employers to be underincentivized to care about the preparedness of the law graduates they hire. Instead of relying on the traditional market failure for regulating professions, the ABA's central claim is that employers care a lot about graduates' preparedness for the practice of law but are broadly dissatisfied with the level of graduate preparedness.[22] It follows that, if indeed there is a market failure, it presumably results from the decision-making of either students or law schools, rather than the market for legal services. To this end, we consider the following possibilities.

1. **Under-provision by law schools.** Employers want students to take more experiential learning and law students would like to take more. But due to some market failure, law schools are not incentivized to offer enough courses to meet student demand.

2. **Under-enrollment by law students.** Employers want students to take more experiential learning and law schools offer plenty of options. But due to some market failure, law students are not incentivized to take more courses.

Although our empirical tests are agnostic as to the specific market failure or failures leading to these outcomes, we will briefly mention some relevant possibilities. Under-

[22]For example, it asserts that "employers do not feel [law students] graduate ready for the transition to practice" and that "95% of hiring partners and associates reported . . . that new graduates do not have critical practical skills..."

provision by law schools could arise, for example, from an externality problem if experiential courses are relatively expensive to offer and law schools do not fully internalize benefits they confer upon students and employers, which could coincide with an information asymmetry problem where prospective law students are unaware of the importance of attending a law school with sufficient experiential learning options. Under-enrollment by law students could arise, for example, from a moral hazard problem stemming from the fact that law firms tend to offer jobs to law students well before they complete law school: a student who accepts an offer from an employer might feel little pressure to take additional experiential courses even though it would benefit the employer.[23]

We evaluate these possibilities in three ways. First, in Section 5.2, we test for the under-provision by law schools directly by assessing whether law schools had adequate unfilled capacity of experiential courses. Second, in Section 5.2 , we assess whether school resources are a significant driver of the number of experiential positions available, which could point toward a possible cost-driven explanation for under-provision of by law schools. Finally, before reporting these analyses, in Section 3.2 we use theory to predict how both possible types of market failures would affect employment outcomes, and then in Section 6.2 we test those predictions empirically by studying the labor market impacts of the 2014 reform using data on employment outcomes across law schools.

3.2 Employment Outcomes Under Market Failures

To study what market failures would imply for the labor market, we introduce a simple model in which a firm (which can be a law firm or any potential employer) can hire law students from two law schools, A and B. The schools are identical in all respects except that students at school A take more experiential learning coursework than at school B. This is captured by assuming that $h_A > h_B$, where $h_i > 0$ denotes the amount of experiential learning credits taken by students at school $i \in \{A, B\}$. The interpretation of h_i depends on which market failure we are considering. Under market failures leading

[23]Of course, one might reasonably object that law students have an interest in being practice ready, as more competent employees are more likely to be promoted and less likely to be fired. But, for the sake of argument, we assume that students might fail to internalize these these consequences.

to the under-provision of experiential courses by law schools, h_i represents the number of experiential credits offered by school i, and we assume the students take as many credits as they can. Under market failures leading to student under-enrollment, h_i represents the amount of experiential learning credits students at school i take when they are not subject to experiential learning requirements.

By hypothesis, employers have a strong preference for students with more experiential learning. To capture this, we assume that graduates who take more experiential courses are more productive: students from school i have marginal productivity $h_i\xi$, where $\xi > 0$ captures how strongly experiential learning affects law graduates' productivity.[24] The supply of law graduates from school $i \in \{A, B\}$ is characterized by an upward-sloping supply function $W_i = W_i(L_i)$, where W_i denotes the wage level for a school-A graduates and L_i denotes the amount of labor (students hired) from school i. We assume that the supply functions are symmetric and linear:

$$W_i(L_i) = w_0 + \sigma L_i,$$

for each $i = A, B$, where $w_0 > 0$ and $\sigma > 0$. Because $h_A > h_B$, the firm will hire more graduates from school A. But in general it will not hire exclusively from school A, because eventually the wage $W_A(L_A)$ will grow to the point that the firm will optimally hire some students from B. We assume h_B is high enough to ensure that the firm hire some students from school B in equilibrium ($L_B > 0$).

The downstream market for legal services has constant returns to scale, with the firm's downstream output taking the form $Q = h_A\xi L_A + h_B\xi L_B$. Its downstream inverse demand is given by some function $P(Q)$, where $P(\cdot)$ is strictly decreasing and log-concave. For simplicity, we assume that labor is the firm's only cost. Thus, its total production costs are equal to its total factor cost of labor, $W_A(L_A)L_A + W_B(L_B)L_B$. The firm chooses L_A

[24]The results are qualitatively the same if we instead assume that experiential learning reduces the cost of training or supervising law graduates or if we assume that marginal productivity is $m + h_i\xi$ for some constant m.

and L_B to maximize its profits.[25]

Equilibrium employment levels at the two schools are

$$L_A^* = \frac{MR(Q^*)h_A\xi - w_0}{2\sigma}, \qquad L_B^* = \frac{MR(Q^*)h_B\xi - w_0}{2\sigma},$$

where $MR(Q) \equiv \frac{d}{dQ}[P(Q)Q]$ is marginal revenue and $Q^* \equiv h_A\xi L_A^* + h_B\xi L_B^*$ is downstream equilibrium output. The model leads to the following comparative statics: for each i and $j \neq i$, the employment levels L_i^* and wage W_i^* are increasing in h_i and decreasing in h_j, while the firm's downstream output Q^* is increasing in both h_A and h_B.

It follows that either school could increase its employment rate and its wages by requiring its students to take more experiential learning (that is, by increasing h_i). By making new lawyers more practice ready, this would increase output and welfare in the downstream market for legal services. These results would suggest that an experiential learning requirement could indeed be socially efficient.

We can connect these results to our differences-in-differences design as follows. Without an experiential learning requirement, the difference between employment levels at the two schools (the "employment gap") is

$$L_A^* - L_B^* = \frac{MR(Q^*)\xi(h_A - h_B)}{2\sigma}.$$

Now suppose that the ABA implements an experiential learning requirement captured by some threshold value $h^\dagger$, where $h_B < h^\dagger \leq h_A$). This requirement has no binding effect on school A (which already surpasses the requirement) but it does have an effect on school B (it increases h_B to $h^\dagger$). Because $MR(Q)$ is a strictly decreasing function, we have

$$\frac{d}{dh_B}\left[L_A^* - L_B^*\right] = \frac{\xi}{2\sigma}\left\{\frac{\partial MR(Q^*)}{\partial Q} \cdot \frac{\partial Q^*}{\partial h_B}\big(h_A - h_B\big) - MR(Q^*)\right\} < 0.$$

The cumulative effect of the experiential learning requirement on the employment gap is

[25]Its profits are $P(Q(L_A, L_B)) \cdot Q(L_A, L_B) - W_A(L_A)L_A - W_B(L_B)L_B$, where $Q(L_A, L_B) = h_A\xi L_A + h_B\xi L_B$.

just the integral of this expression. Thus, under market failures that lead to the under-provision of experiential learning courses by law schools or under-enrollment by law students, an experiential learning requirement should shrink the employment gap between the two schools, and the effect will be larger when the treatment (the increase in h_B) is larger. We can test this by examining whether the ABA's 2014 reform had such effects on employment patterns across schools.

Note that the model itself provides reasons to be skeptical of the presence of market failures. If enrollment in experiential courses before requirements were imposed left graduates systematically under-prepared for practice, then both law schools and their graduates could benefit by having schools implement their own experiential coursework minimums, as it would increase employment rates and wages. That obviously benefits students, but it also benefits law schools, because law school rankings depend heavily on employment outcomes. As such, if there are significant benefits to taking more experiential learning, it is not clear why schools and students would fail to internalize those benefits, given that both of these groups have a strong interest in improving employment outcomes.

4 Data

We use data from two sources. First, we compiled data from annual ABA reports on experiential positions available and filled, law school-specific experiential course requirements, post-graduate outcomes, and tuition and several scholarship measures. Second, we use transcript data on the courses taken by students at one law school from 1990 to 2019.

4.1 ABA Data

Data on Experiential Positions. Beginning in 1997, the ABA started reporting the number of clinical and simulation positions available and the number of externship positions filled (also called field placements) at each law school in the "Official Guide to ABA Approved Law Schools." Between 1997 and 2016, the ABA also reported the number of clinical and simulation positions filled by law school. The ABA has also reported the number of graduating students by law school since 1997. We compiled these data from annual PDFs from 1997 to 2010 and from 509 forms submitted by individual law schools

from 2011 to 2023.[26]

From this data, we construct two primary outcomes: (1) the number of experiential positions available per graduating student, defined as the total number of clinical and simulation positions available and the number of externship positions filled; and (2) the number of unfilled experiential positions, defined as the difference in the number of available and filled clinic and simulation positions divided by the number of graduates (excluding externships because the ABA data does not report available seats for them).

Importantly, experiential positions can vary in the number of credits. As a result, our measures of positions available cannot be used to shed light on whether the average student at a law school would satisfy different experiential credit requirements. Given that many clinical positions have more credits than simulation and externship positions, using positions rather than credits also prevents comparisons of how different law schools would satisfy different experiential requirements.

Data on Law School Experiential Requirements. Before 2005, some law schools imposed their own experiential requirements. Since 2005, some law schools imposed their own experiential requirements that went beyond the ABA requirements. For many law schools, the annual "Official Guide to ABA Approved Law Schools" contain descriptions of various aspects of the school, often including the curriculum. We had research assistants review these descriptions and code for whether schools had an experiential requirement that went beyond the ABA's requirement. When we report results by whether a school had an experiential requirement, we focus on the schools where it was fairly clear from the report that there was or was not one (to identify schools without an experiential requirement, we required information on the curriculum requirements but had no mention of an experiential requirement). Given the time-consuming nature of this coding, we currently focus on the first and last year the reports had these descriptions (2002, when there was no ABA requirement, and 2011, when there was a 1 credit requirement).

Data on Graduate Outcomes. Since 2011, the ABA 509 forms contain informa-

[26]The ABA separately reports experiential positions available and filled for full-time and part-time students. Our measure accounts for both because we use the total number of each type of experiential position and the total number of graduating students.

tion on each law schools' bar exam passage rate, their share of graduating students entering JD-advantage jobs, and their share of graduating students entering jobs requiring a law license. We use these outcomes to study the impact on the ABA's 2014 reform on graduate outcomes, focusing on the time period before and after the six credit requirement was adopted (graduating cohorts 2011-2023). To account for differences in bar exam difficulty between states, we use the ABA's adjusted passage rates, but add back the overall first-time bar passage rate of 74 percent in the year of the ABA reform (2014) (NCBE, 2024).

Data on Tuition. The ABA reports contain information on law school tuition and the share of students with different levels of scholarships (specifically, any scholarship, half to full, full, and more than full). We are interested in the real cost of legal education, so we focus on a measure of tuition that is net of scholarships. To do so, we compute the net tuition revenue per student by scaling tuition downwards using share of students with different scholarship levels, where we assign the scholarship level at the midpoint of each scholarship range (e.g., for students with half to full tuition, we assume they get a 75 percent reduction in tuition) and assume students with more than full tuition receive a stipend of 10 percent of tuition.[27] To have a tuition measure that is comparable across public and private law schools, we focus on non-resident tuition. We refer to this real tuition simply as "tuition."

Limitations. Although we have data for all law schools, it is not complete for all outcomes for all law schools. To avoid having changes in the composition of law schools in our sample driving our results, we do not include data from all roughly 200 ABA-approved law school but rather restrict the sample to the roughly 180 law schools where we have almost complete information.

[27]Specifically, we compute real tuition revenue as:

$$r_i^{\text{Net}} = r_i(1 - \sigma_i^{<\text{Half}} - \sigma_i^{\text{Half-Full}} - \sigma_i^{\text{Full}} - \sigma_i^{>\text{Full}}) + \frac{3}{4} r_i \sigma_i^{<\text{Half}} + \frac{1}{4} r_i \sigma_i^{\text{Half-Full}} - \frac{1}{10} \sigma_i^{>\text{Full}} \tag{1}$$

where r_i is non-resident tuition, $\sigma_i^{<\text{Half}}$ is the percent of students with a scholarship that is less than half of tuition, $\sigma_i^{\text{Half-Full}}$ is the percent of students with a scholarship between half and full tuition, σ_i^{Full} is the percent of students with full scholarship, and $\sigma_i^{>\text{Full}}$ is the percent of students with more than full scholarship.

4.2 Transcript Data

In addition to ABA data, we use transcript data for full-time graduates of a highly ranked law school from 1990 to 2019. This data allows us to identify each of the specific courses that each student took during their time in law school. Using our knowledge of the school's curriculum, we use the names of the classes to classify courses as experiential. Importantly, we note that our identification of experiential courses is imperfect and likely over-inclusive. For example, we count all moot court courses and competitions as simulations even though not all would count under the ABA definition (e.g., moot court competitions awarding credit but not including feedback from a faculty member do not count as experiential courses), and we count some courses that have skills in the title that may not have qualified for experiential credit. Because the 2019 graduating cohort was the first cohort for whom the 2014 reform was effective, we only have one cohort technically subject to the requirement. That said, below we find that the 2014 reform led to changes among graduating cohorts before 2019, with no meaningful change in 2019.

5 The Market for Experiential Legal Education

We begin by studying the market for experimental courses before the ABA's 2014 reform. Specifically, we document the landscape of experiential positions available across law schools, investigate why law schools took different approaches in the number and type of experiential positions available, examine the amount of unfilled experiential capacity, and assess differences in experiential positions available in law schools that had their own experiential requirements before the ABA's reform.

5.1 Supply of Experiential Legal Education

We first document the availability of experiential legal education opportunities in the period between 1997 and the ABA's 2014 reform. To begin, Figure 1 reports the average number of experiential positions available and filled per graduate. On average, there were 0.53 clinical positions available and 0.43 positions filled per graduating student; 2.26 simulation positions available and 1.85 positions filled per graduate; and 0.51 externships filled

per graduate (the ABA does not report externships available). If one student filled each position, this suggests that, for example, a law school with a 200 student graduating class and the average number of clinical positions available could have 106 students in clinics but would have 86 students in them. Perhaps most notably, Figure 1 reveals that law schools collectively had roughly four times more simulation positions available than clinical positions available or externships.

Figures 2 and 3 explore the availability of experiential legal education over time. Figure 2 reports the distribution of the total number of experiential positions available per graduating student over time. In 1997, 96 percent of law schools had more than one experiential position available per graduating student, and 75 percent had at least two. By 2004, 98 percent of law schools had at least one position available per graduating student, and 79 percent had at least two. In other words, by the time of the ABA's 2005 reform, most law schools already had the capacity for every student to receive some experiential education. By 2014, 97 percent of law schools had at least two positions available per graduating student, and 90 percent had at least three. In other words, by the time of the ABA's 2014 reform, most law schools already had the capacity for every student to take multiple experiential courses.

Figure 3 breaks out these results for each type of experiential course. In 1997, for every graduating student, 10 percent of law schools had at least one clinical position available, 81 percent had at least one simulation position available, and 16 percent had at least one externship. By 2014, for each graduating student, 23 percent of law schools had at least one clinical position available, 94 percent had at least one simulation position available, and 18 percent had at least one externship. Put another way, by the time of the ABA's 2014 reform, one in five law schools had enough capacity to offer every student a clinic, and nine in ten law schools had enough capacity to offer every student a simulation. Although this is perhaps not surprising given that the ABA's 2005 reform required each graduate to take one experiential learning course, it is not obvious that schools would have capacity with respect to certain types of experiential positions.

Notably, these results reveal considerable variation in the experiential positions avail-

able across law schools that persists over time. For instance, in 2014, Figure 2 reveals that 89 percent of law schools had more than three experiential positions available per graduating student and 65 percent had more than four. And, when looking at the type of experiential position, Figure 3 reveals considerable variation. For example, in 2014, while 23 percent of law schools had one clinical position available per graduating student, 4 percent had fewer than one clinical position available for every five graduating students.

5.2 Understanding Differences in Supply of Experiential Legal Education

Given the considerable variation in experiential positions available across law schools, we investigate why law schools took such different approaches in two ways: by exploring whether the variation can be explained by differences in resources and by exploring whether it can be explained by differences in strategies of law schools.

Clinics and simulation courses are typically much smaller classes than doctrinal classes and are therefore thought to be more expensive on a per-student level. To investigate the extent to which resources are related to the meaningful variation in experiential positions available, we estimate several versions of:

$$y_i = \alpha + \beta \mathbf{X}_i + \epsilon_i \tag{2}$$

for law school i, where y_i is the number of experiential positions available, and $\mathbf{X}_i$ is a vector of measures related to resources as an explanation for differences in approaches to experiential learning.[28] Figure 4 reports the results for all experiential positions available and separately for each type of experiential course.

Law School Tier. We first use U.S. News law school ranking tiers as a measure of resources, with the idea that higher-ranked schools typically have larger endowments and often higher tuition. For this analysis, we estimate Equation 2 with indicators for Tier 1 (defined as law schools ranked 1-14), Tier 2 (defined as law schools ranked 15-50, and Tier 3 (defined as law schools ranked 51-100), where Tier 4 (defined as law schools ranked 101+)

[28]For this analysis, we focus on the period before the ABA's 2014 reform. We specifically compute the number of positions available per graduating student by aggregating the number of positions available and the number of graduates from 2010 to 2014 at the law school level.

is the leave-out group that forms our baseline.[29] We find that higher-ranked law schools have fewer experiential positions available per graduating student than lower-ranked law schools. However, we also find that Tier 1 law schools have notably higher clinical positions available, slightly fewer simulations, and dramatically fewer externships. This suggests that total experiential positions available are not simply a function of a law school's resources, but the types of experiential positions available may be related to resources.

Within-Tier Rank. We next explore whether higher-ranked law schools within a given tier differ in experiential positions available. To do so, we include tier fixed effects and an indicator variable for the law schools in the top half of each tier. By doing so, we estimate the extent to which, for example, schools ranked 1-7 have different types of experiential positions available than schools ranked 8-14. We find that the higher-ranked schools within a given tier have fewer experiential positions available overall, but that this is driven by the higher-ranked schools in each tier having more clinical positions available and fewer simulations (and a comparable number of externships). Given these within-tier differences, for the next resource measures we control for more refined tier category fixed effects.

School Size. Small law schools may have both smaller faculties and bring in less tuition revenue, so they may consequently not be able to provide as many experiential positions as larger law schools. To explore this possibility, we next use the number of graduating students as a measure of the resources expended and estimate Equation 2 by including indicators for the law schools with the top and bottom quartiles of graduating students. When comparing experiential positions available in large law schools to small law schools in the same tier, we find that the largest and smallest law schools have roughly similar experiential positions available overall, but that smaller schools have fewer clinical positions available.

Public v. Private. Public law schools often have different funding sources and missions than their private counterparts, which may translate into different experiential

[29]We use a stable law school rankings system as in Brooks et al. (2025). For each of our regressions, the baseline group is reported as the bar on the left which does not include a vertical line on the bar representing the confidence interval of our estimate.

positions available. When comparing experiential positions available in public law schools to the private law schools in the same tier, we find that public law schools have fewer experiential positions available overall but have more clinical positions available and fewer simulation positions available and externships.

Tuition. Finally, we compare law schools with the highest and lowest tuition. Because the effect of tuition revenue in public schools may differ from that in private schools, we separately identify the top and bottom quartiles of schools for the set of public and private schools. When comparing experiential positions available in law schools with higher tuition with law schools with lower tuition in the same tier, we find that law schools with higher tuition have fewer positions available, which is primarily driven by fewer simulation positions available.

Overall, the results in Figure 4 suggest that law schools' resources may be related to the number and type of experiential positions available. However, these results also suggest that greater resources are not simply and uniformly associated with more experiential positions available. It may thus be possible that law schools intentionally adopted different strategies with respect to their experiential positions available for reasons that are not simply a product of their resources.

Given these findings, we next investigate the extent to which differences in strategy may drive differences in experiential positions available. If schools with similar resources take meaningfully different approaches to experiential legal education, then such differences likely reflect differences in the strategy of the school rather than resource constraints. If so, then the ABA's 2014 reform—and the potential 2025 reform—can be thought of as eliminating some options of the school or students at the school on how to best train students.

To assess this potential, Figure 5 plots the distribution of experiential positions available separately by law school tier. Importantly, we find that there are large differences in experiential positions available even within tiers. For example, for law schools ranked 15 to 50, 37 percent have more than 4 positions available per graduating student and 31 percent have fewer than three; and for law schools ranked 101 to 200, 15 percent have more than 5

positions available per graduating student and 30 percent have fewer than 3.

To more formally assess how much the variation in approaches stems from law schools in different tiers versus differences within tiers, we use Analysis of Variance (ANOVA) to compare the amount of variation explained by tiers to the amount of variation left unexplained by tiers. Grouping law schools into four-tier groups used in Figure 5, we find that tiers explain 2.2 percent of the total variation in the number of experiential positions available per graduate across law schools, meaning 97.8 percent of the variation is within tiers. When we split each of the four tiers in half, we find that these more refined tiers explain 7.5 percent of the total variation. And when we include all of the resource measures as controls, we find that they explain 12.6 percent of the total variation. Together, these results provide suggestive evidence that strategic choices explain most of the differences in approaches to experiential legal education seen across law schools before the ABA's 2014 reform.

5.3 Unfilled Capacity in Experiential Legal Education

We next investigate unfilled capacity of experiential courses, measured by the number of unfilled positions per graduating student. Our primary focus here is on whether law schools have adequate levels of unfilled capacity rather than overall variation in the levels. The reason is that we are primarily interested in whether students have the option to take experiential courses, and very low levels of unfilled capacity suggest a lack of adequate options. Alternatively, law schools with persistent but relatively small levels of unfilled capacity could simply reflect a greater ability of a law school to calibrate experiential positions available to anticipated student demand or the law school may be imposing other curricular requirements or rules that limit student choice. The specific outcome we focus on is an indicator for an adequate level of unfilled capacity in absolute terms, which we define as more than one unfilled position for every ten graduating students. Of course, the greater or lesser the number of unfilled positions reflects more or fewer student options. We selected one unfilled position for every ten graduating students as a threshold to reflect sufficient unfilled capacity to offer students options.

This measure is important for interpreting the potential impact of expanding experien-

tial learning graduation requirements. If law schools had little or no unfilled capacity before a reform, then a reform could be thought of as an effort to correct a market failure—such as law schools having market power over the positions available given that students cannot easily switch law schools once enrolled—and change law school behavior to expand experiential positions available. In contrast, if law schools had considerable unfilled capacity before a reform and did not discourage or restrict student choice, then a reform could be thought of as an effort to change law student behavior to take more of the experiential courses that would have already been available to them. Although this, in theory, could address a market failure—such as asymmetric information in the benefits of taking the class—the fact that students likely respond to the demands of potential employers in their choice over courses suggests it is probably not.

To explore these possibilities, Figure 6 first plots the distribution of unfilled capacity over time for law clinics and simulations. At any time between 1997 and 2014, we find that only a few schools had no unfilled capacity. Unfilled capacity has been increasing over time, and by the time of the ABA's 2014 reform, 91 percent of law schools had at least two unfilled position for every ten graduating students. Under our definition of an adequate level of unfilled capacity, students at 27 percent of law schools did not have adequate options in 1997, and students at 3 percent of law schools did not in 2014. One way to view these results is that the ABA's reform did not expand students' *options* to take experiential courses but instead eliminated students' options not to take experiential courses.

It is possible that the ABA wanted to expand certain types of experiential legal education in particular, in which case the relevant measure is adequate options for each type of experiential learning. This is unlikely, however, because the ABA could have adopted requirements for specific types of experiential education, as in the ABA's 2025 proposal requiring at least 3 credits in clinic or externships. We nonetheless assess whether students had adequate options in clinics and simulations. We find that students at almost all schools had adequate options in simulations. Although the share of schools with no unfilled clinical capacity has been decreasing over time, there were still many schools with inadequate levels of unfilled clinical capacity in 2014. Under our preferred definition, students at 76 percent

of law schools did not have adequate options to take a clinic in 1997, and students at 53 percent of law schools did not in 2014.

Importantly, and curiously, we are unable to assess whether the ABA's 2014 reform increased the number of law schools where students had adequate options to take a clinic because the ABA stopped collecting the information on filled positions after 2016. Although below we find the number of clinical positions available per graduating student increased at almost all law schools after the 2014 reform, it is possible that the reform actually decreased student options to take clinics at some schools, as the reform almost certainly increased demand for clinics. To the extent that the ABA adopts experiential learning requirements to expand student options to take different forms of experiential legal education, to facilitate research on this question, it should also require law schools to submit information on the number of filled clinical and simulation positions.

Next, we investigate the determinants of unfilled capacity and student options across law schools, focusing again on resources and strategy. Figure 7 investigates the extent to which resources can explain differences in student options by estimating Equation 2 using our preferred measure for adequate options, and Figure 8 plots the distribution of unfilled capacity separately by law school. We find that the top 14 law schools are less likely to have adequate options, but no evidence that other measures of law school resources are related to adequate options. Repeating the variance decomposition from above but for adequate options, we find that the resource measures explain 12.0 percent of the total variation (for adequate clinic options, we find that the resource measures explain 5.5 percent of the total variation). In other words, law school resources do not appear to explain much of the variation in adequate options to take experiential courses across law schools.

5.4 Law School Specific Experiential Requirements

Individual law schools can have had their own experiential learning requirements that go beyond ABA requirements. To explore this possibility, we had law students read and code the annual law school reports that the ABA published from 2002 to 2011, which provide aspects of each law school's curriculum and policies. We focus on law schools where

there was unambiguously an experiential learning requirement beyond the ABA requirement or where there was a description of the school's curriculum and requirements, but no mention of an experiential requirement. We focus on the first and last years that the ABA reports had these descriptions (2002 and 2011).

In 2002, of the 107 schools where we are fairly confident that they provided information to the ABA on their curriculum, 11 percent of schools had experiential learning requirements (there was no ABA requirement in 2002). In 2011, of the 147 schools where we are fairly confident that they provided information to the ABA on their curriculum, 20 percent of schools had experiential learning requirements beyond the ABA requirement of one credit. Notably, the experiential learning requirements are much more common among lower-ranked schools. For instance, none of the top 14 law schools had experiential learning requirements in 2002 or 2011, and the large majority of the law schools with experiential learning requirements were ranked outside of the top 100 (92 and 83 percent in 2002 and 2011).

To further explore this data, Figure 9 documents the experiential positions available and the unfilled experiential capacity per graduating student depending on whether the law school had an experiential learning requirement. Given the differences in approaches to experiential education across tiers of law schools documented above, we make within-tier comparisons by weighting schools without a requirement in a given year by the portion of the schools with a requirement in that year from the same tier. We find that law schools with a requirement had more experiential positions available and more unfilled experiential capacity compared to law schools in the same tier, but the differences were larger in 2002. In 2002, law schools with an experiential learning requirement had 1.9 positions available and 0.30 unfilled positions per graduating student, compared to 1.4 positions available and 0.22 unfilled positions for comparable schools without an experiential learning requirement. In 2011, law schools with an experiential learning requirement had 2.1 positions available and 0.37 unfilled positions per graduating student, compared to 2.0 positions available and 0.28 unfilled positions for comparable schools without an experiential learning requirement.

That said, although law schools with an experiential learning requirement have more

positions available and more unfilled capacity, the differences are largely driven by more simulation positions. In fact, law schools without an experiential learning requirement had more clinical positions available per student than law schools with an experiential learning requirement in 2002 and roughly the same in 2011. This may reflect the fact that clinical education is typically the most expensive form of experiential education, and schools may prefer to offer it to students who wish to take it instead of compelling students to participate in it. This fact also reveals that compelling students to take experiential courses does not mean they will necessarily receive what many believe to be the best versions of them.

6 The Impact of the ABA's 2014 Reform

We next study the impact of the ABA's 2014 reform, which required law students to take a minimum of 6 experiential credits in order to graduate. We first document the changes in experiential positions available across law schools after the ABA's 2014 reform and then investigate the impact of the reform on student outcomes and the cost of legal education.

6.1 The Impact on Experiential Positions Available

Part 5 focused on a time when there was an effective market for experiential legal education. Although a 1 unit requirement was in place for part of the period, most law students were likely satisfying the requirement before it was in place. The ABA's 2014 reform, however, may have had a more profound impact on experiential legal education.

We begin our exploration into the impact of the ABA's 2014 reform by documenting changes in experiential positions available across law schools. Although Part 5 focused on describing experiential positions available before the 2014 ABA requirement, Figures 2 and 3 documented the availability of experiential legal education through 2024. That said, although the 6 experiential credit requirement was passed in 2014, it did not become effective for graduates until the class of 2019. Despite this lag, Figure 2 reveals that law schools began increasing positions available well before graduates were required to take a minimum of 6 credits. For example, the share of law schools with at least five experiential positions available per graduating student increased from 40 percent in 2014 to 56 percent in

2018. That said, the patterns in Figure 2 reveal that the real turning point for experiential education at many law schools pre-dated the ABA reform by roughly 6 years, with law schools beginning to have more and more experiential positions available starting in 2009 when the 2005 reform took effect for all students. Although the overall upward trend in positions available continued after the reform, the trend appears to follow the pre-existing linear upward trend that started well before the 2014 reform, driven by both changes in both experiential positions and graduating class sizes.

For the graduating cohorts where the requirement was effective, we find that the reform increased the number of positions available per graduate by 37 percent (1.47 positions available relative to a baseline of 3.94). When examining the changes by type of experiential learning courses, Figure 3 reveals that there were increases in all three types of experiential positions in the wake of the ABA's 2014 reform. To further explore the changes to each type of experiential course, Panel A of Figure 10 documents the changes in position available by type of experiential courses across law schools, comparing the graduating cohorts subject to the requirement to those before the reform was adopted. We find that the largest increase was in simulation positions available, increasing from 2.69 to 3.68 positions available per graduate. Compared to the roughly 1 position available per graduating student increase in simulations, the increases in clinical positions available and externships were relatively modest, increasing by 0.27 positions available per graduate for clinics and 0.22 positions for externships. However, compared to the pre-reform clinical positions available and externships, the percentage increase was similar: whereas clinical positions available per graduate increased by 37 percent, simulation positions available per graduate increased by 41 percent, and externships increased by 37 percent.

To further explore these patterns, Panel B of Figure 10 documents the changes in experiential positions available after separating law schools into deciles by their number of experiential positions filled before the ABA's 2014 reform. It reveals a negative relationship between the change in the number of positions available per graduating student and the number of positions filled per graduating student before the ABA's 2014 reform. When regressing the change in experiential positions available on law schools' experiential positions

filled before the ABA's 2014 reform, we find that having 1 more experiential position filled per graduating student before the requirement is associated with 0.39 more positions available per graduate after the requirement was effective (starting with 2019 graduates).

Moreover, this relationship holds at the tails of the distribution. The law schools with the fewest positions filled before the requirement increased the number of positions available the most across all law school tiers, and the law schools that decreased the number of positions available tend to be those with the most positions filled before the requirement. For example, law schools in the bottom decile for experiential positions filled before the reform increased the number of positions available by 2.2 per graduating student, while law schools in the top decile decreased the number of positions available by 0.1 per graduating student. To the extent that the ABA hoped to promote changes in the curricula of the law schools with the fewest experiential positions, this evidence suggests the 2014 reform may have been successful with respect to that goal.

Finally, we explore whether changes in experiential positions available after the ABA's 2014 reform were likely influenced by resources or strategic considerations. To do so, Panels A and C of Figure 11 first break out changes in experiential positions available by type and law school tier. We find that the average law school increased the number of experiential positions available by 34 percent (1.1 positions available relative to a baseline of 4.4 positions available per graduating student). Among the 72 percent of law schools that increased the number of experiential positions available, the average increase was 54 percent (1.8 positions available relative to a baseline of 4.1 positions available per graduating student). And among the 28 percent of law schools that decreased the number of experiential positions available, the average decrease was 16 percent (-0.9 positions available relative to a baseline of 5.3 positions available per graduating student). Panel A of Figure 11 reveals that the total increase was decreasing by law school tier (i.e., schools ranked 1-14 had greater changes than schools ranked 15-50 and so on). The change in types of experiential courses differed across tiers as well, with the top 14 law schools increasing the number of clinical positions available per graduating student relatively more and the number of simulation positions available per graduating student relatively less.

To understand the overall levels of experiential positions available after the changes occurred, Panels B and D of Figure 11 report the total number of positions available per graduating student after the ABA's 2014 reform. Comparing across tiers, the number of positions after the reform was typically still lower in higher-ranked schools. For example, among graduates from 2019 to 2024, the top 14 schools collectively had 4.7 experiential positions available per graduating student, compared to 5.6 for schools ranked 15-50, 5.5 for schools ranked 51-100, and 5.5 for schools ranked 101+. Despite this general pattern, however, there is still considerable variation within tiers of law schools. That said, repeating the variance decomposition from Part 5.2, law school tier and the resource measures explain very similar amounts of the variation with the requirement as they did before the ABA's 2014 reform. In other words, these results suggest that even after law schools were required to take 6 credits of experiential courses, they continued to adopt different strategies with respect to experiential education.

6.2 The Impact on Student Outcomes and the Cost of Legal Education

The goal of requiring experiential legal education is to adequately prepare graduates for the actual practice of law. Although the ABA typically does not link the requirement to measurable outcomes, the potential impact on bar passage, employment outcomes, and the cost of legal education is relevant to the goal and any likely drawbacks of imposing requirements. In terms of employment, the model in Part 3 suggested that, if the ABA's arguments are correct, experiential learning requirements should have measurable employment effects. In terms of bar passage, not everyone agrees on whether the 6 credit requirement is expected to improve, worsen, or have no impact on bar passage, primarily because the bar exam has traditionally tested legal doctrine rather than the types of skills taught in experiential courses.[30] If the requirements crowd out doctrinal courses that are tested on the bar exam or third-year courses designed to help get students ready for the bar exam, they could worsen

[30]Starting in 2026, some jurisdictions will adopt a new bar exam called the NextGen bar that will test a range of foundational skills, which is intended to make the bar exam more related to the practice of law. For example, the NextGen bar exam will test skills in legal research, legal writing, issue spotting and analysis, investigation and evaluation, client counseling and advising, negotiation and dispute resolution, and client relationship and management.

bar passage rates. But if experiential requirements help build skills and those skills are useful for taking the bar exam, the requirements could improve students' performance on the bar exam (Austin et al., 2017).

Next, we estimate the impact of the ABA's 2014 reform on law students' post-graduate outcomes and the cost of legal education.

Research Design. We use what is perhaps the most standard method in empirical law and economics: a difference-in-differences research design (Chilton and Rozema, 2024). This research design requires observing outcomes for treated and control groups before and after the event of interest. That said, the ABA's 2014 reform applied to all ABA-approved law schools, so all law schools are treated in some respect. As a result, we cannot identify a truly clean control group. However, given the results reported in Part 5, the degree to which the ABA's 2014 reform changed the behavior of law schools and law students likely varied considerably. For example, the 2005 reform meant that students in all schools were required to take one credit, but in some schools students were already required to take at least 6 experiential credits; but in other schools, few students may have been taking at least 6 experiential credits. Therefore, the 2014 reform can be thought of as providing law schools with different doses of treatment.

To identify law schools that likely received a lower treatment dosage (our control group) and law schools that likely received a higher treatment dosage (our treatment group), we use the number of filled experiential positions—in clinics, simulations, and externships—prior to the ABA's 2014 reform.[31] We specifically focus on the 5 years leading up to the adoption of the reform. For each law school, we then add up the number of positions filled and the number of graduates in those years and compute the average number of positions filled per graduate. We then separate law schools into quartiles within each of the tiers, and the treated group is the top quartile of law schools and the control group is the bottom

[31]Ideally, we would observe the number of experiential credits taken by every graduating student, which would make it possible to quantify how much the requirement induced graduates to take additional credits. Unfortunately, we only observe positions available and filled for an entire law school and not how many students were taking different numbers of credits.

quartile of law schools.

After identifying a treatment and control group in this way, we estimate:

$$y_{it} = \alpha + \beta\ x_t \times 1_i + \sigma_i + \gamma_{gt} + \epsilon_{it} \tag{3}$$

for law school i in tier g and graduating cohort t, where y_{it} is one of several outcomes described below, x_t is an indicator for whether graduating cohort t was subject to the ABA requirement, 1_i is an indicator for whether the law school is in the bottom fourth of pre-requirement courses taken per graduate, σ_i are law school fixed effects, and γ_{gt} are tier by year fixed effects. We include the tier by year fixed effects to make comparisons within tiers within a given year.

We use the specification from Equation 3 to estimate the impact of the 2014 reform on four outcomes: bar passage rates, JD-advantage jobs, jobs that require a law license, and tuition. To illustrate these four outcomes, Appendix Figure A2 reports their distributions at the law school year level. Panel A reports our measure of bar passage, which is the law school's excess bar exam pass rate in the state where most of the school's graduates take the bar exam. As the figure reveals, this distribution is measured in percentage points and roughly normally distributed around 75 percent. Panel B reports the percent of graduating students with JD-Advantaged employment, which is right-skewed and has a mean of 76 percent. Panel C reports the percentage of graduating students who obtain a job that requires a law license, which is right-skewed and has a mean of 67 percent. Finally, Panel D reports the net tuition of law schools, which is left-skewed and has a mean of roughly 27,000 dollars per year.

Results. Table 1 reports the results from estimating Equation 3 for our four outcomes.[32] The results for all four outcomes are both substantially small and are not statistically significant at conventional levels. For instance, the estimates in Column 1 suggest that

[32]Appendix Figure A3 plots the estimates and 90 percent confidence intervals (adding the estimates to the mean in the treated law schools in the pre-period). Because the estimates for tuition are in percentages, we add one to the estimated coefficients and confidence intervals and then multiply it by the baseline.

the impact of the ABA's 2014 reform on bar passage rates for treated schools—schools that were in the bottom quartile for experiential positions filled before the reform—compared to control schools was between a 3.6 percentage point decrease and a 1.5 percentage point increase. In short, Table 1 reveals no evidence that the 2014 reform decreased bar passage rates, improved employment outcomes, or increased tuition. The findings on tuition are consistent with Kuehn (2014), who found that requiring clinical legal education does not increase tuition.

The identifying assumption for the results in Table 1 is that, but for the ABA's 2014 reform, the outcomes for the treated law schools would have evolved similarly to outcomes for the control law schools. Although it is not possible to directly verify this assumption, the standard test for this assumption is whether there was parallel trends for the outcomes for both groups during the pre-period. To assess whether there was parallel pre-trends, we estimate an event-study specification:

$$y_{it} = \alpha + \sum_{s \neq 2018} \beta_s d_s 1_i + \sigma_i + \gamma_{gt} + \epsilon_{it} \tag{4}$$

for year s. d_s is an indicator for year s. β_s is the estimated difference in the outcome in the law schools with low pre-requirement enrollment compared to law schools with high pre-requirement enrollment in event time s.

Figure 12 reports the results of the event studies from estimating Equation 3. Consistent with the parallel trends assumption, we find no statistically significant differences during the pre-period between the treated and control law schools. This evidence is consistent with our identifying assumption that any differences in our outcomes of interest during the post-period can be attributed to the ABA's 2014 reform.

That said, as we explained above, since the ABA's 2014 reform applied to all law schools, we cannot cleanly identify treated and control law schools. Another identifying assumption in our setting is thus that the law schools we identify as treated underwent more changes as a result of the ABA's 2014 reform than the control law schools. To understand the extent to which the treated and control law schools differ, we compare the change in

the types of experiential courses offered at law schools by the law schools' pre-requirement positions filled per graduate. This can be thought of as assessing the balance between the treated and control groups.

Appendix Figure A4 reports the results. We find evidence that all law schools, including in the control group, increased their number of clinical positions available. The primary difference in the change in experiential positions available between treated and control law schools is simulation courses and externships. In particular, whereas treated schools increased the number of simulation positions available and externships, control law schools decreased them, which explains the roughly net-zero change in experiential positions after the requirement.

Importantly, these features of the control group change the interpretation of the estimates reported in Table 1. In particular, this suggests that we are estimating the impact of the ABA's 2014 reform which operates only through simulation and externships. As a result, our estimates do not speak to the potential impact of inducing students into taking more clinical courses. This interpretation of our results is, of course, more narrow and leaves open the question of how clinical education translates into different outcomes for future research.

Robustness. We assess the robustness of these results in several ways. To start, we use alternative approaches to identifying which schools were likely to be treated by the ABA's 2014 reform. Our primary specification uses the number of positions filled per graduating student before the reform to identify treated and control law schools. We did so because we feel it is the best proxy for how many graduates will be induced into additional experiential credits. We assess the sensitivity of the results to several alternative approaches to identifying the treated and control law schools. First, we use the *number of positions available* per graduating student before the ABA's reform. The idea here is that at the law schools with fewer positions available, students had more limited options. Second, we use the *change in positions available* per graduating student from before to after the ABA reform. The idea here is that this measure gets at which schools actually changed the positions available the most in the years after the reform. Finally, we identify the law schools that

already had experiential requirements beyond the ABA's requirements and use that to identify the control schools, and use the positions filled in our main approach to identify treated law schools.[33] When using all three approaches to defining treated and control schools, we still find results consistent with our primary approach. That said, this is perhaps not surprising given that we find considerable overlap of the law schools in the treated and control groups when using these different approaches.

Next, we assess the sensitivity of our results to using different cutoffs to identify treated and control schools. Our primary specification compares the law schools in the bottom quartile of experiential positions filled before the ABA reform with the law schools in the top quartile of experiential positions filled before the ABA reform. We assess the sensitivity of the results to using different definitions, including the bottom/top third and bottom/top fifth. When using these alternative cutoffs, we again find no evidence that the ABA requirement affected any of the outcomes.

Finally, we explore whether our results were driven by undercounting the importance of clinical positions relative to other types of experiential positions available. Our primary specification added the number of clinical positions filled, simulation courses filled, and externships filled to construct a measure of total experiential positions filled. At least in some law schools (see Part 7 below), the average clinical position accounts for more credits than the average simulation position and externships. As such, a law school with more clinics as a share of all experiential positions could be misclassified into the treated group, and a law school with fewer clinics as a share of all experiential positions might be misclassified into the control group. We assess the sensitivity of clinics having more credits by treating each clinical position as having double the number of credits as simulation and externships (consistent with the evidence in the next part). We then identify treated and control law schools with this modification and re-estimate the above specifications. When doing so, we find no evidence that the ABA requirement affected any of the outcomes.

[33]The limitation of this approach is that the law schools with existing experiential requirements may have required fewer than 6 experiential credits, so the requirement could still induce graduates into taking more experiential credits.

7 Student-Level Enrollment in Experiential Legal Education

Part 6 used school-level data to document changes in experiential positions in the years before and after the ABA's 2014 reform to experiential requirements. We now use transcript data from one law school to investigate the composition of students who take different forms of experiential education and the possible impacts of the ABA's 2014 reform on it.

7.1 Understanding Experiential Credits

Before studying the effects of the ABA reform, we first examine the experiential opportunities and courses taken by students graduating in the years before the ABA's 2014 reform. Figure 13 reports the number of credits per experiential position filled and the number of experiential credits earned per graduate. We find considerable variation in the number of credits between types of experiential courses. For example, at the law school we study, more than 75 percent of clinical positions filled are at least 6 credits, more than two-thirds of simulation courses are 1-2 credits, and almost all externships are 3-4 credits.

We also find considerable variation in the number of experiential credits that graduating students earned. Panel A of Figure 14 explores these differences by reporting the share of graduating students who would satisfy different requirements. We find that the share of graduating students who would satisfy different experiential credit requirements has been increasing over time. For example, the share with at least 3 experiential credits increased from 93 percent in 1990 to 98 percent in 2014, the share with at least 6 credits increased from 79 to 90 percent, and the share with at least 12 credits increased from 35 to 67 percent.

Panel B of Figure 14 reports the share of graduating students who enrolled in at least one course in each type of experiential education over time. Nearly all graduating students earned at least one simulation credit in every year. In contrast, the number of graduating students who enrolled in clinics and externships increased dramatically in the years leading up to the ABA's 2014 reform. For example, the share of graduating students who enrolled in clinics increased from 34 percent in 2004 to 51 percent in 2014, and the share who enrolled in externships increased from 13 to 31 percent.

7.2 The Value-Add of Clinical Education

In a final analysis, we assess the impact of the ABA's 2014 reform on the value-add of clinical education, focusing on the composition of students who enroll in clinics. We do so for two reasons. First, clinics are widely regarded as providing the best version of experiential education, by both those who do not teach in clinics (e.g., Yackee, 2015) and those who do (e.g., Kuehn, 2014). Second, the value-add of clinical education likely depends on the specific job that students go into after law school. On the one hand, students entering a highly supervised setting—like a big law firm—may have lower value-add from taking clinics than other students, as they will have on-the-job training where they can acquire lawyering skills from working with experienced lawyers in the firm once they graduate. On the other hand, students entering a job where they are directly serving clients in high autonomy settings—like working in a legal services office, public defender's office, prosecutor's office, non-profit legal offices, or a small law firm—may have higher value-add from taking clinics or even multiple clinics than other students.

The welfare implications of the ABA's requirement thus likely depend on how much any increase in clinical education is driven by expanding the number of credits that the students already enrolling in them take versus by inducing students who would otherwise not have enrolled in a clinic. This is, in part, because if students select into courses they believe benefit them the most, then those who stand to gain the most from clinics were already voluntarily enrolling in them at high rates before the reform (assuming availability and subject matter alignment with career goals).

To explore this idea, we use students' course selection to construct proxies for students likely to enter the most supervised and highest autonomy jobs after graduation. We split students from each graduating cohort into three groups based on credits earned in courses most associated with work in legal services offices, public defender's offices, prosecutor's offices, non-profit legal offices, and small law firms. We likewise split students into three groups based on credits earned in courses most associated with work in Biglaw. We classify students in the top (bottom) third of the former and bottom (top) third of the latter as those who are more likely to enter high autonomy (high supervision) jobs.

Using these proxies, we assess how the ABA's 2014 reform affected the composition of students enrolled in clinics in a difference-in-differences setting similar to the one in Part 6.2, but this time comparing outcomes across student types within a graduating cohort. Appendix Figure A5 visualizes this approach by reporting each graduating cohort's share of students enrolling in clinics, separately by student type.

Table 2 reports regression results estimating the impact of the ABA's 2014 reform on clinical enrollment by student type, focusing on graduating cohorts from 2010 to 2019. Importantly, because our data ends in 2019 (the first graduating cohort that was technically subject to the requirement), we use 2015 as the first post-reform year. Although this is a clear limitation of our analysis, we find that the 2014 reform led to changes among graduating cohorts before 2019, with no meaningful change in 2019.

Absolute Changes in Enrollment in Clinic. We begin in Columns 1-3 by assessing how clinical enrollment changes in an absolute sense for different types of students. To do so, we do not include graduating cohort fixed effects. Column 1 documents differences in enrollment in clinics by student types. We find that students likely to enter high autonomy jobs are 24.2 percentage points more likely to enroll in a clinic than the baseline group, while students likely to enter high-supervision jobs are 21.7 percentage points less likely.

Column 2 assesses whether either type of student is displaced from clinics after the reform. We find no evidence that students likely to enter high autonomy jobs enroll in clinics at different rates, but we find that students likely to enter high-supervision jobs are 19.6 percentage points more likely to enroll in clinics. These results suggest that students most inclined to benefit from clinics were not displaced from them.

Column 3 documents differences in enrollment in multiple clinics. Even if the students most inclined to benefit from clinics are not displaced from them, they may be prevented from taking more clinical credits—which can be thought of as being displaced from clinics in a different sense. The outcome is an indicator for whether the student enrolled in more than 6 clinical credits, which could include students taking multiple different clinics, the same clinic multiple times, or a more intensive version of a clinic (Figure 13, Panel C). We find similar patterns as for enrollment in any clinic, but with smaller point estimates in absolute

terms (but larger point estimates in relative terms).

Column 4 assesses whether students who are likely to enter high autonomy jobs are displaced from taking multiple clinics after the 2014 reform. We find no evidence that they are, suggesting that the reform did not displace students most inclined to benefit from clinics from enrolling in multiple clinics.

Relative Changes in Enrollment in Clinic. Column 5 estimates the change in clinic access to students least and most inclined to benefit from it compared to other graduates in the same cohort from before to after the reform. To do so, we include graduating cohort fixed effects. Compared to the increase in enrollment for the baseline group, the increase is 8.7 percentage points lower for students likely to enter high autonomy jobs and 13.1 percentage points higher for students likely to enter high-supervision jobs. Combined with the above results, the evidence suggests that the reform expanded access to clinics the most to students least inclined to benefit from them, but it did not displace students most inclined to benefit from them.

Finally, Column 6 estimates the change in intensive clinic access (measured by more than 6 credits) for students least and most inclined to benefit from it compared to other graduates in the same cohort from before to after the reform. We find no evidence of differential impacts, suggesting that the reform did not displace students most inclined to benefit from clinics from enrolling in multiple or more intensive clinics.

8 Conclusion

In this paper, we studied the evolution of experiential legal education and the impact of the ABA's 2014 reform that required students to take 6 credits of experiential legal education to graduate. We first found that, before the reform, experiential positions available were growing across law schools. We also found that there were considerable differences in experiential positions available across law schools, and that these differences are likely better understood as reflecting strategic choices instead of the availability of resources. We next directly studied the impact of the ABA's 2014 reform and found that experiential positions available continued to increase after it was adopted. That said, we found no evidence that

the law schools that likely were more affected by the reform saw any changes in their bar passage rates, employment outcomes, or tuition compared to the law schools that likely were the least affected. Finally, we used transcript data from one law school to investigate the composition of students who take different forms of experiential education, which helped address some of the limitations inherent to using the data reported to the ABA. For this analysis, we identified who is most and least inclined to benefit from clinical experiences by using proxies for students who are likely to go into high supervision and high autonomy fields. We found evidence suggesting that requiring all students to take experiential courses likely expanded access primarily to students least inclined to benefit from them, but it did so without displacing students most inclined to benefit from them.

Ultimately, our results suggest that the ABA's arguments in favor of it's proposed higher experiential learning requirements are not well-supported by the employment data. If the ABA were right that students are taking systematically too little experiential learning coursework, then we would expect to find some non-negligible effects on employment. And despite survey evidence that many legal employers reporting that student enrollment in experiential courses are important in hiring decisions (Kuehn and Joy, 2024), we find no evidence of employment effects. Moreover, if students were systematically under-prepared, leading to worse employment outcomes, law schools would be strongly incentivized to solve it by enacting their own experiential learning requirements, which they have not done.

In principle, one might wonder if a narrower version of the ABA's arguments might be enough to justify the requirements—that perhaps students seeking high autonomy jobs take systematically too little experiential learning. There are some problems with even this narrower argument, however. First, we find that students who go into high autonomy positions *already are* were taking more experiential learning courses than the required minimum even before they were required to. As a result, it is not clear that there is a problem—the students who value experiential learning the most seem to be taking a lot of it. Second, it is not clear why requiring experiential learning courses for *all students* would be the right solution if the problem at hand applies only to students who go into high autonomy positions. Indeed, inducing students into additional experiential learning courses could be detrimental

to students who go into highly supervised work only insofar as large experiential learning minimums displace doctrinal coursework that may be more helpful to them.

Although the results provide new empirical evidence for the current debate on the desirability of additional reforms to experiential education, there are important qualifications to how they should be interpreted. First, it is important to note that our results should not be interpreted to suggest that experiential legal education is not valuable or should not be supported and promoted. Instead, a large body of evidence suggests that high-quality experiential education provides law students with valuable skills that can help prepare them for practice and instill important professional values (Kuehn and Joy, 2024). And although the ABA's 2014 reform may not have affected outcomes like bar passage and employment rates, that does not mean that students do not derive great benefits from experiential education (or that many students would greatly benefit from additional experiential education). Instead, it simply illustrates some of the limits of what a reform should be expected to accomplish. Notably, our study provides no evidence supporting the claim that requiring experiential education increases tuition.

Second, although we attempted to identify some changes that the ABA's 2014 reform had on student course choices, it is not possible to generalize about the law school courses or types of courses that students are not taking because of the current 6 credit requirement. It is also not possible to say with confidence what courses some students would no longer take if the requirement were increased to 12 credits. The only tradeoff identified is that some law students may not take two or more elective courses they may have taken otherwise. To put this in context, consider that the ABA requires 83 credits for graduation and that most law schools require students to take 28-30 credits in first-year courses, 2-3 credits in an ethics course, and (usually) 3 credits in an upper-level writing requirement. At most schools, those requirements thus constitute 36 required credits at most, leaving 47 elective credits. Even with the 6 credit requirement, students still have 41 credits to use on elective courses; and with the 12 credit requirement, students will have 35 credits to use on elective courses.

Third, although we use data from the ABA to study the ABA's prior experiential learning requirements, the data is not perfectly suited to the task. As we explained above,

although we know the number of positions available in experiential courses, we do not know the number of credits associated with those positions, the number of students who completed different levels of credits, or the number of students actually enrolled in clinics and simulations. The result is that we cannot say with confidence how many students may have been impacted by the ABA's reform or how many students would be impacted by the reforms the ABA is currently considering. Although this is a limitation of our analysis, it also highlights a limitation of the data currently available to study the costs and benefits associated with some of the regulations considered and adopted by the ABA. The ABA should thus re-evaluate its data collection practices, and consider using more consistent definitions, asking for information on the credits associated with different kinds of courses, and specifying the number of experiential credits that each student completes.

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Figures and Tables

Figure 1: Experiential Positions Available and Filled Before ABA Requirement (1997-2014)

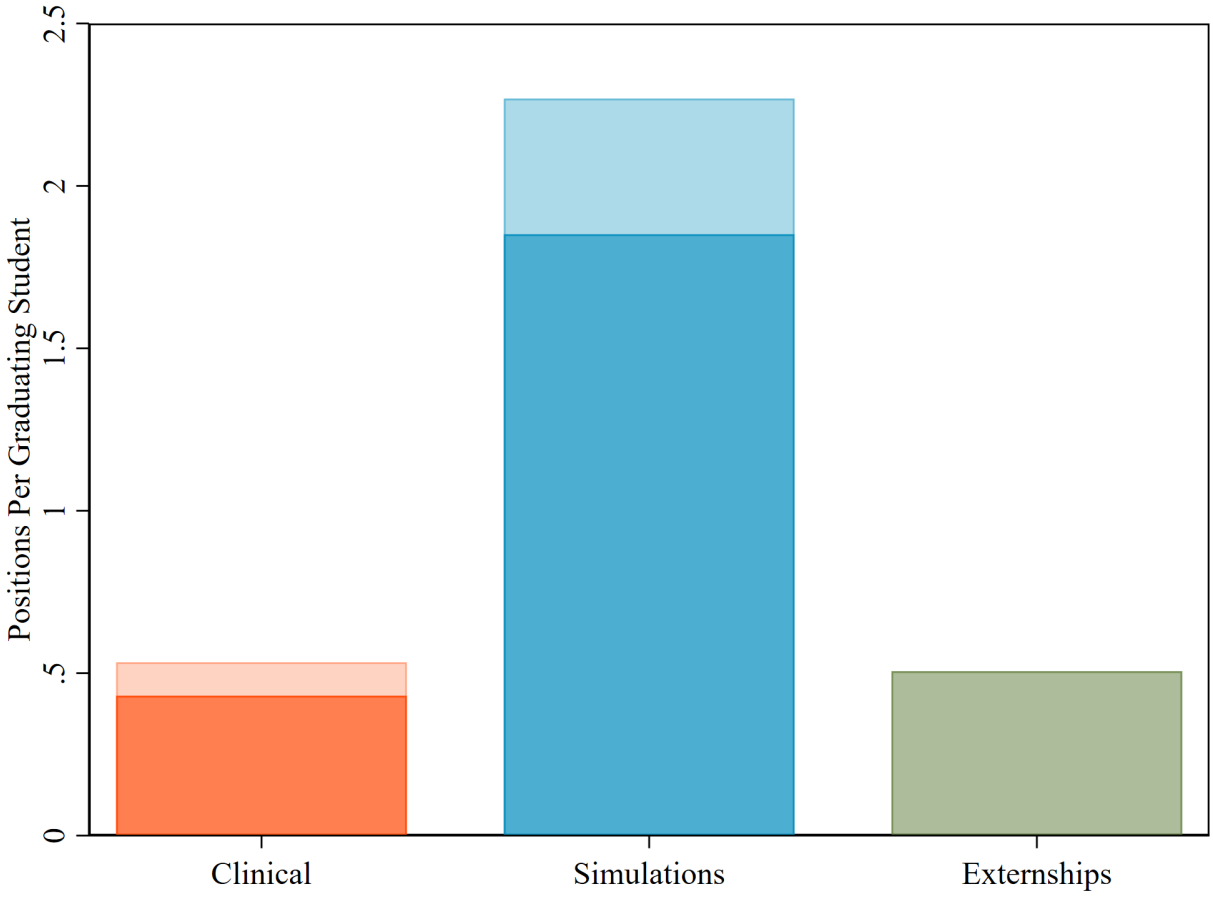


Figure 2: Distribution of Experiential Positions Available Across Law Schools Over Time

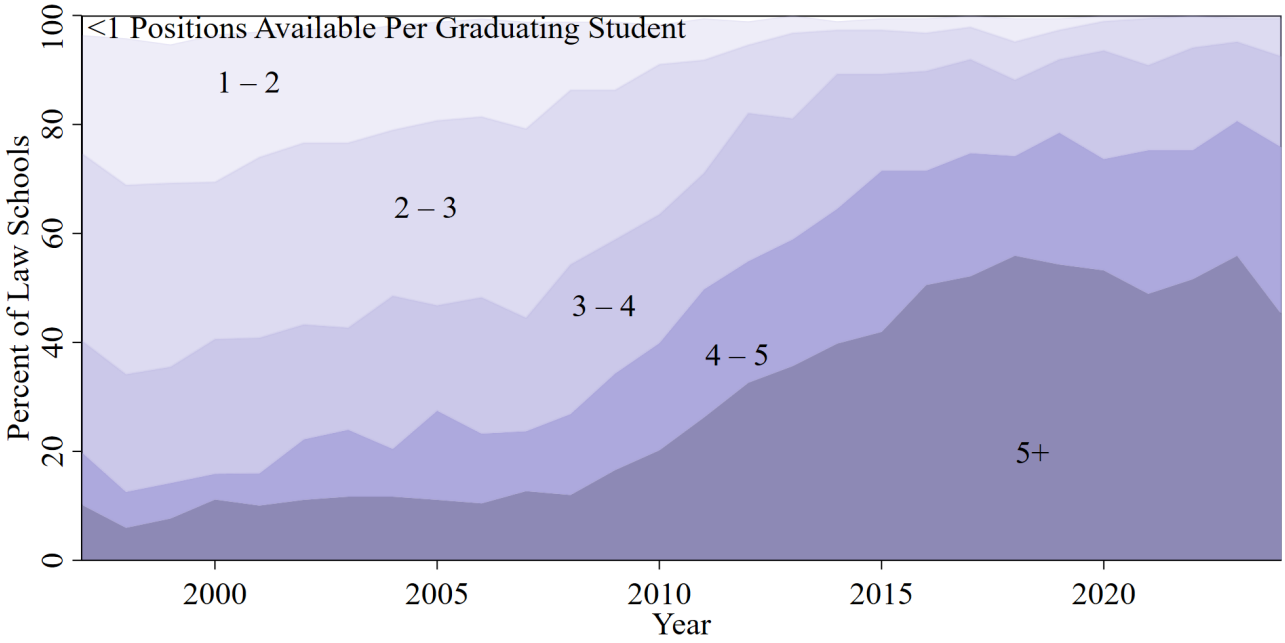


Figure 3: Distribution of Types of Experiential Positions Available Across Law Schools Over Time

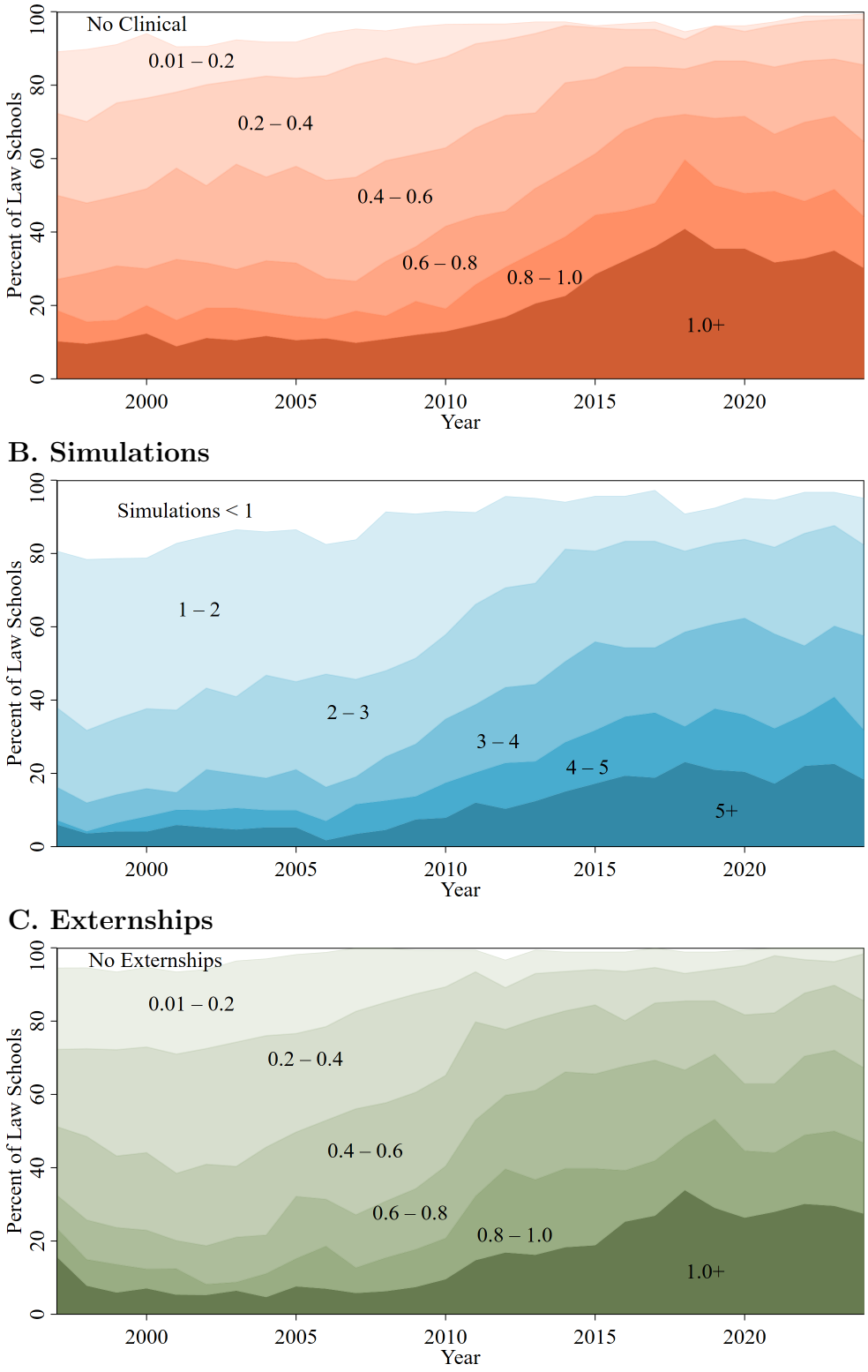
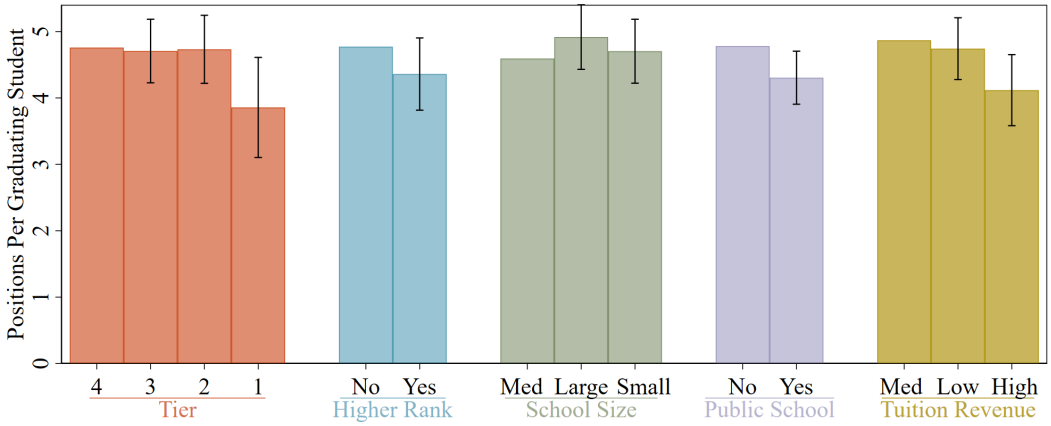
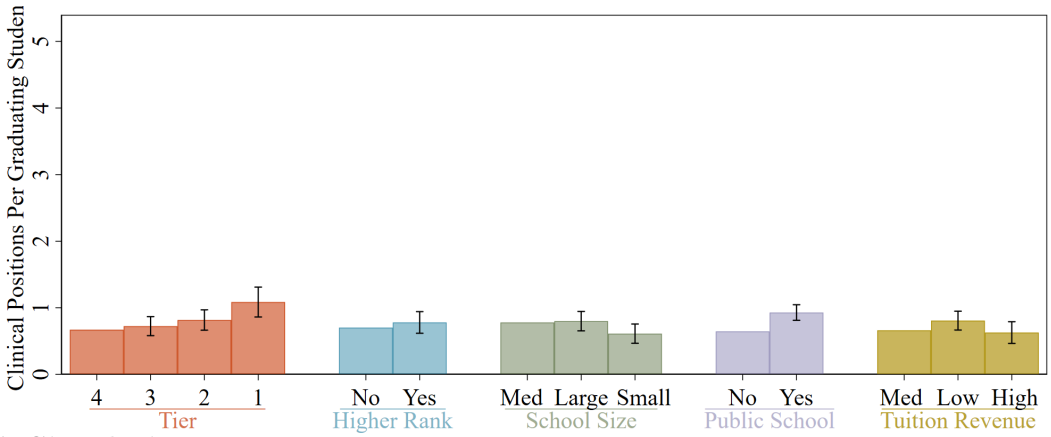


Figure 4: Experiential Positions Available and Law School Resources

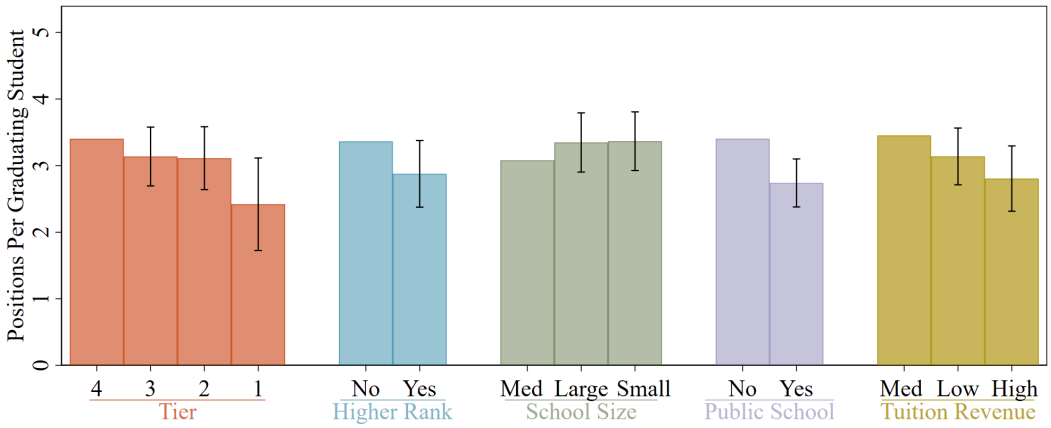
A. All Experiential



B. Clinical



C. Simulations



D. Externships

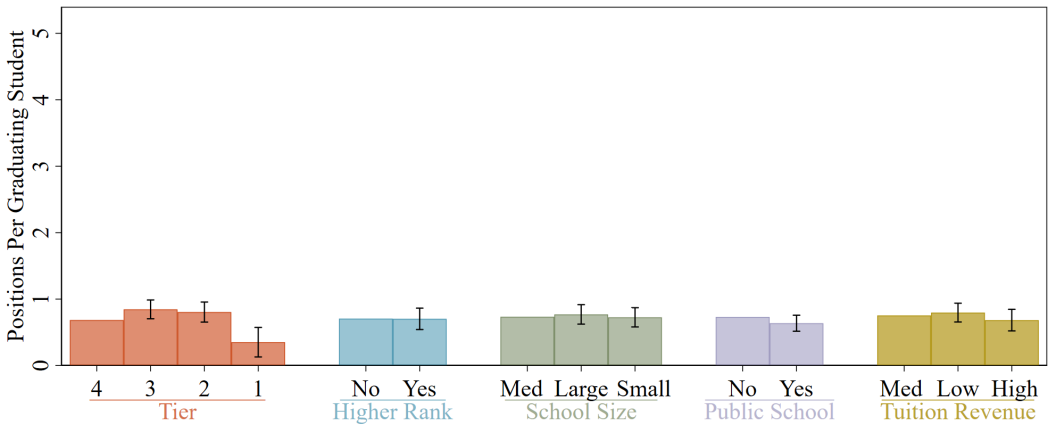


Figure 5: Type of Experiential Positions Available by Law School

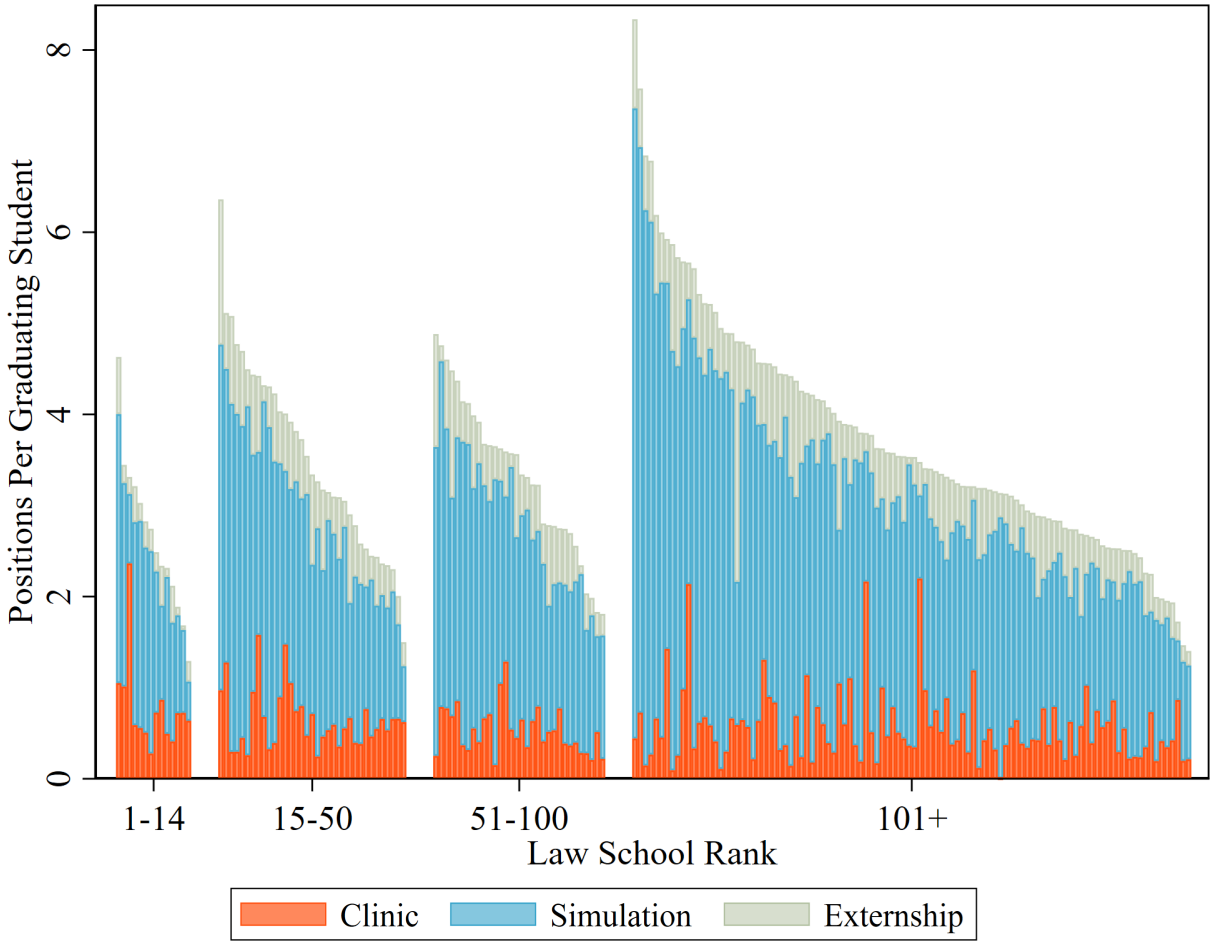


Figure 6: Distribution of Unfilled Experiential Capacity Across Law Schools Over Time

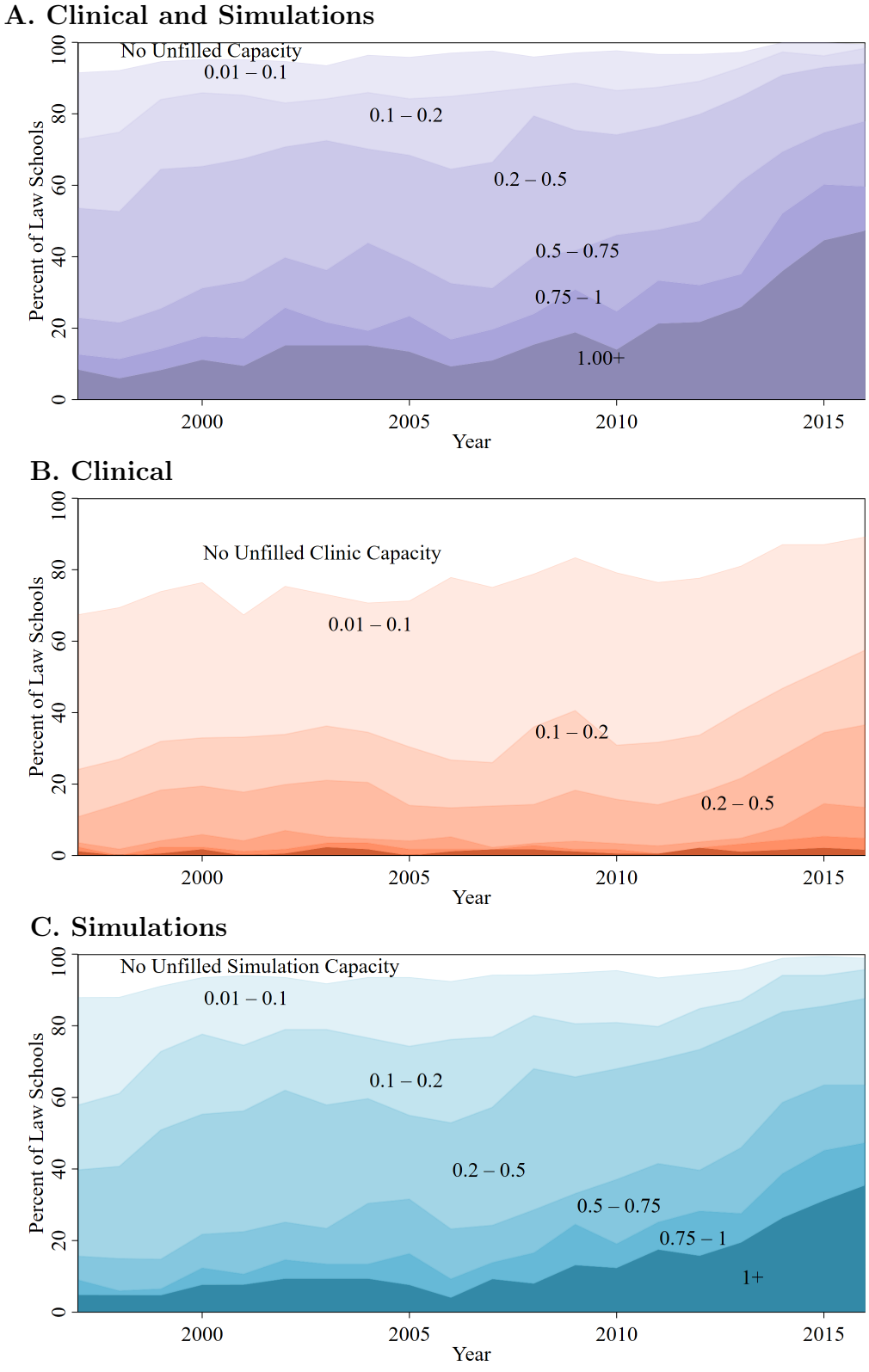
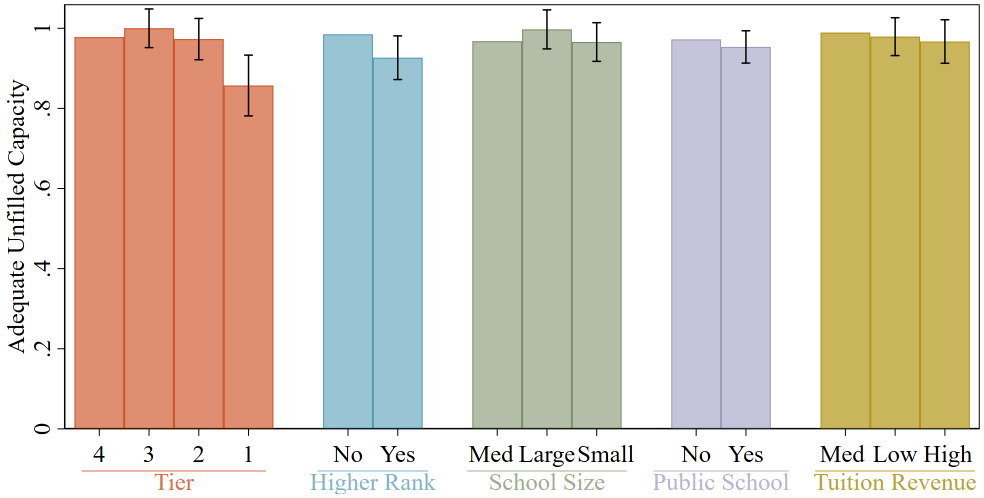
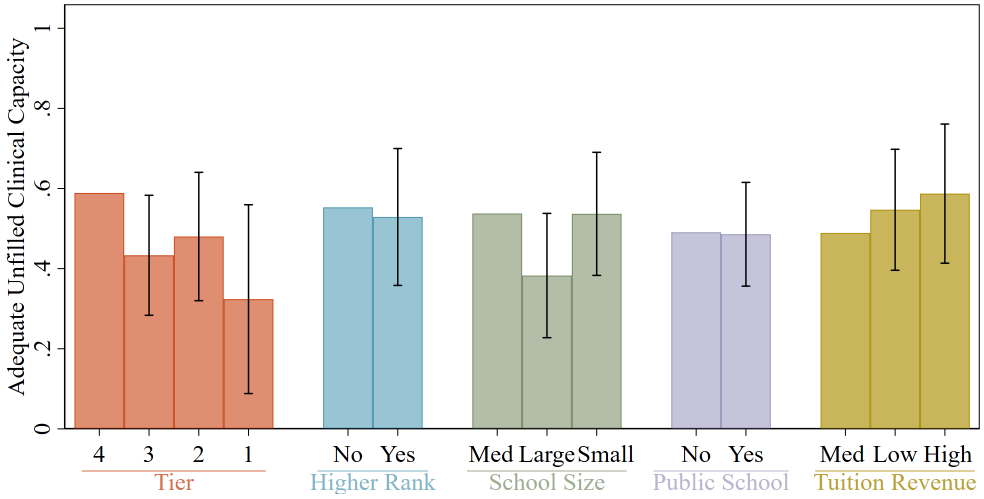


Figure 7: Unfilled Experiential Capacity and Law School Resources

A. Adequate Unfilled Capacity in Clinics and Simulations



B. Adequate Unfilled Clinical Capacity



C. Adequate Unfilled Simulation Capacity

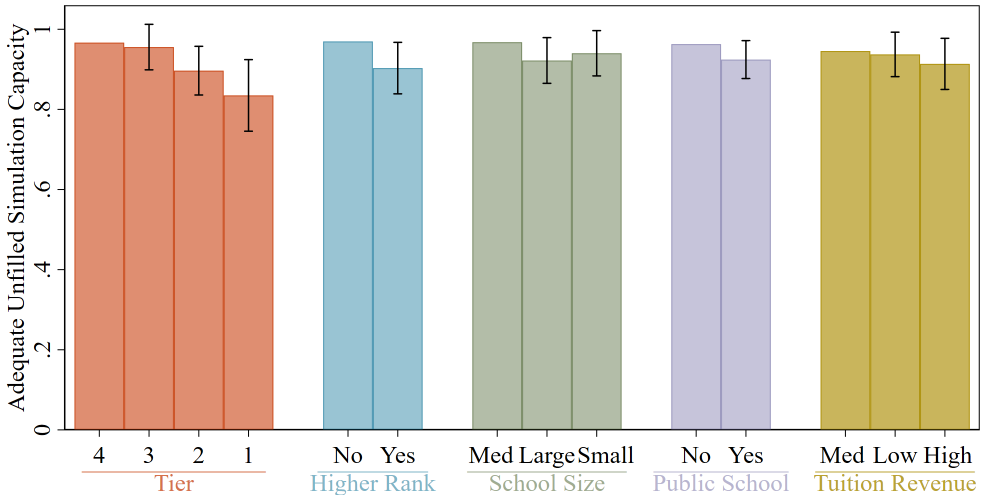


Figure 8: Unfilled Experiential Capacity by Law School

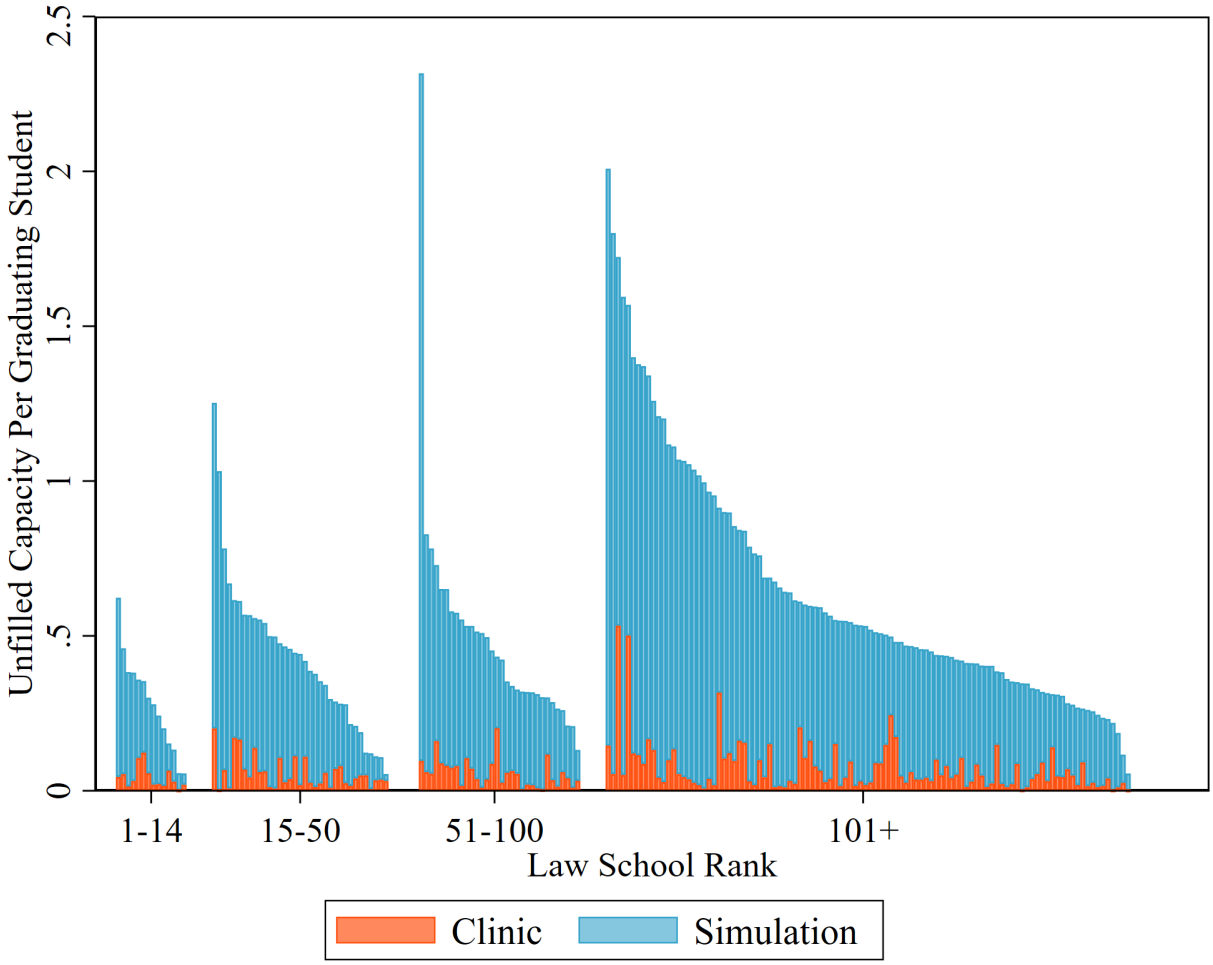


Figure 9: Experiential Positions by Law School Experiential Requirements

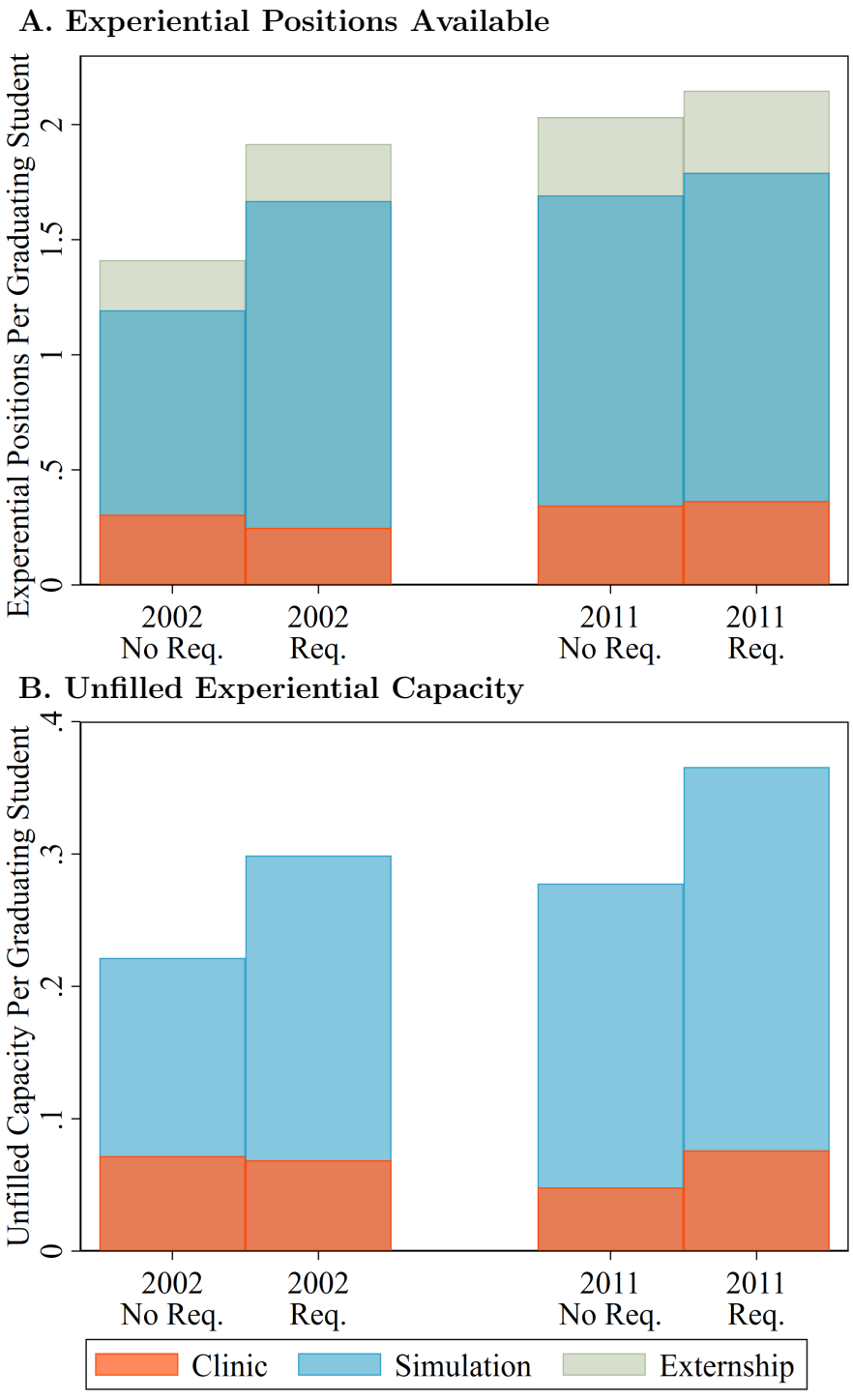
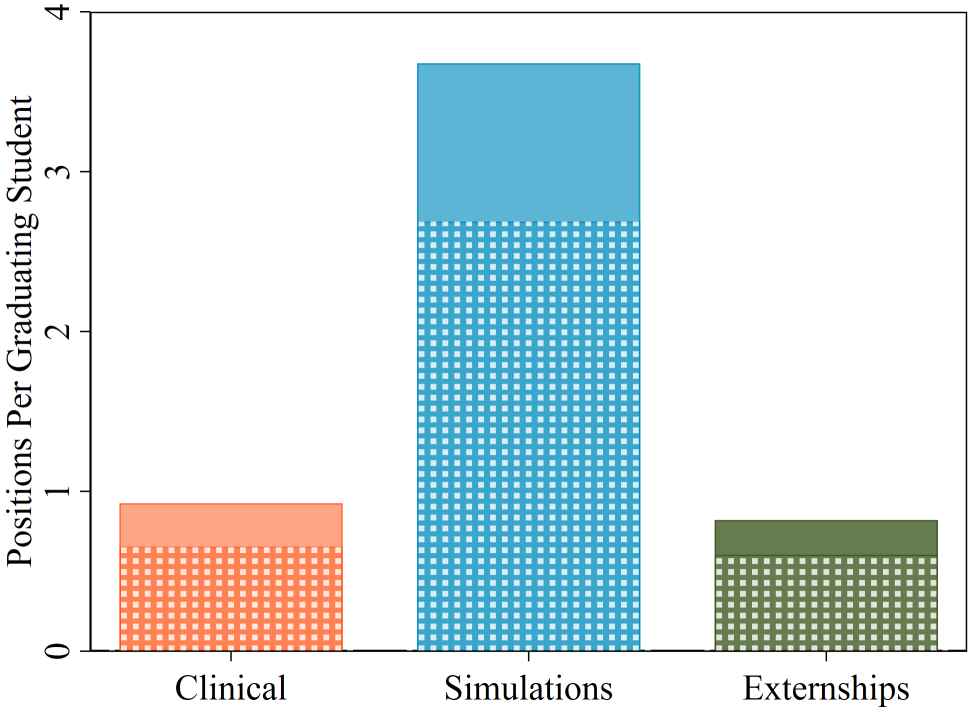
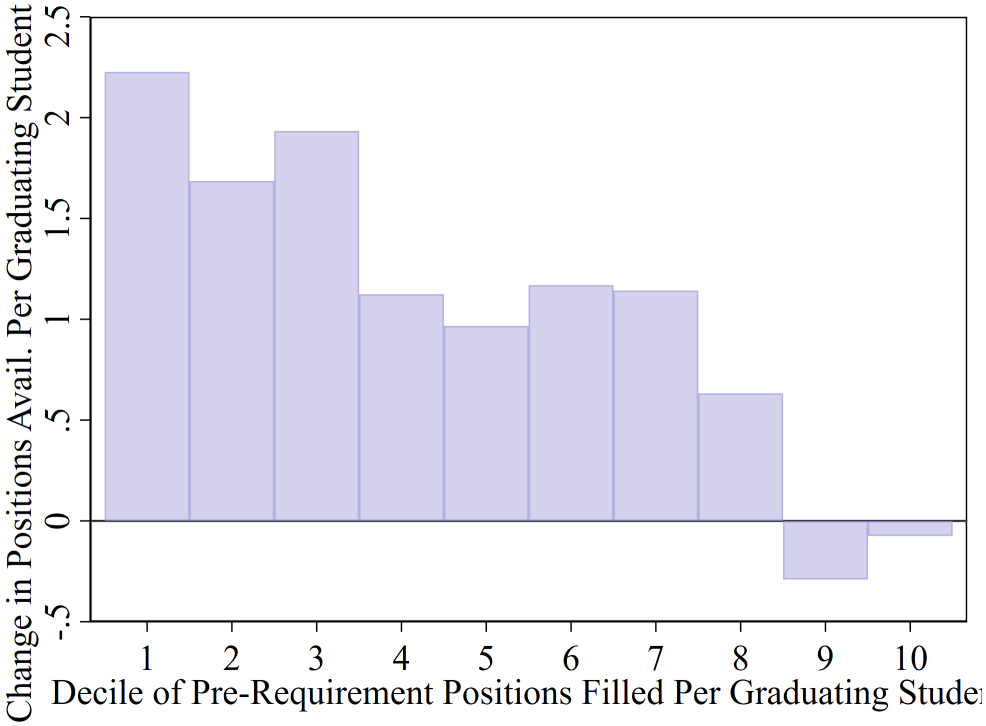


Figure 10: Experiential Positions and the ABA's 2014 Reform

A. Change by Type of Position



B. Change by Pre-Requirement Filled Positions



Note: Panel A reports the positions available per graduating student for each types of experiential before (bars with dots) and after the (solid bars) ABA's 2014 reform. Panel B documents the change in experiential positions available after the ABA's 2014 reform by law schools' pre-requirement filled positions per graduating student.

Figure 11: The ABA's 2014 Reform and Experimental Positions Available

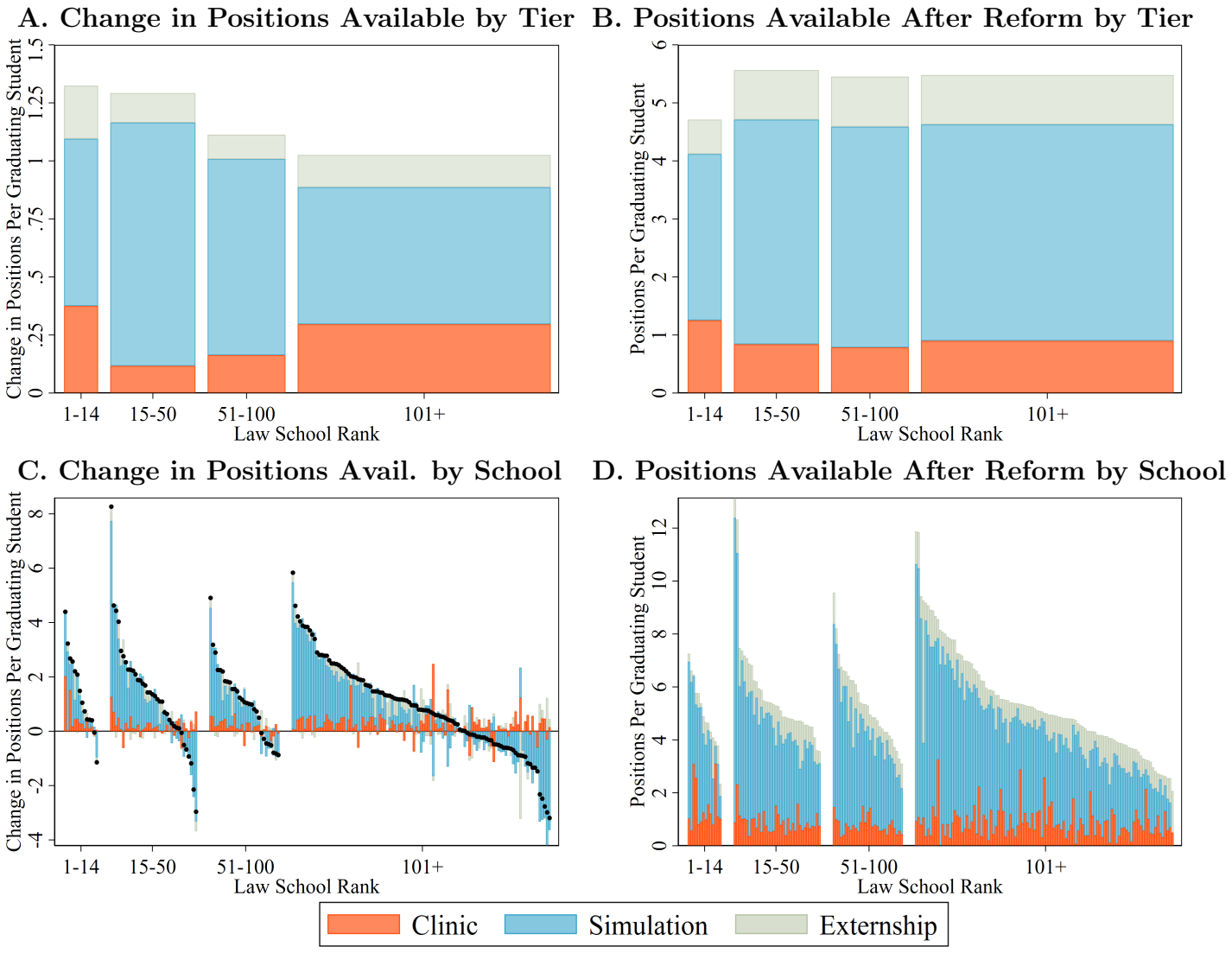
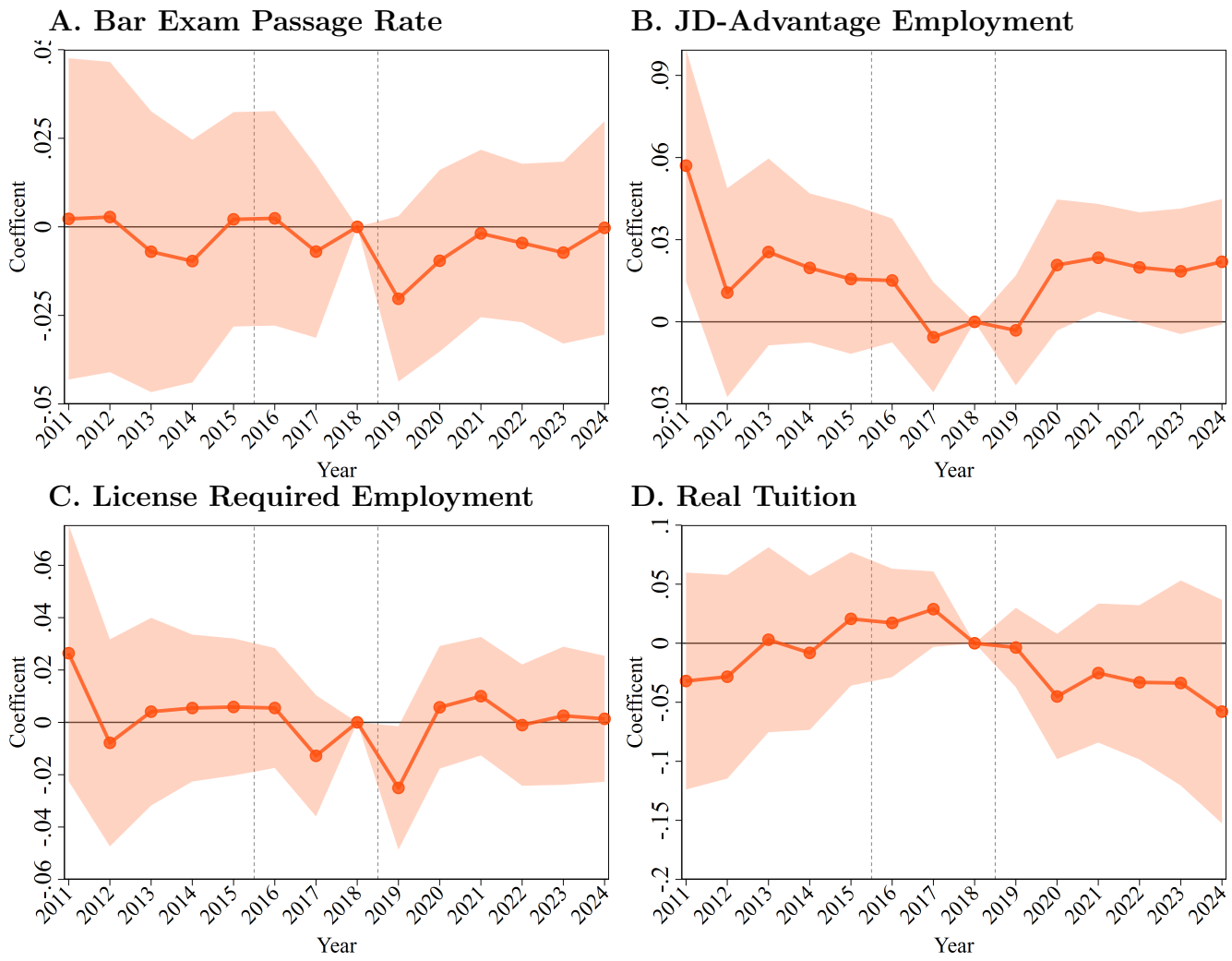


Table 1: Impact of ABA Requirement on Post-Graduate Outcomes and Tuition

	Outcome			
	Pass Rate (1)	JD Adv. (2)	License Req. (3)	Real Tuition (4)
ABA Experiential Requirement	-0.006	-0.001	-0.005	-0.033
× Low Pre-Requirement Enrollment	(0.012)	(0.012)	(0.014)	(0.038)
Covariates				
Law School FE	✓	✓	✓	✓
Tier by Year FE	✓	✓	✓	✓
Outcome Mean	0.756	0.752	0.662	27293
Observations	1,344	1,344	1,344	1,320

Note: This table estimates impact of the ABA's requirement on graduates outcomes by estimating 3 using a panel dataset of law schools from 2012 to 2024. The columns differ by the outcome used. Column 1 is the law school's excess bar exam pass rate in the state where most of it's graduates take the bar exam. Column 2 is the percent of graduates with at least a JD-advantage job. Column 3 is the percent of graduates with a license required job. Column 4 is the estimated real cost of tuition net of scholarships. The coefficient is on an interaction term between an indicator variable for whether the law school had low pre-requirement enrollment in experiential courses before the ABA requirement compared to law schools in the same tier and the graduating cohorts when the requirement was effective. Standard errors are clustered at the law school level and are in parentheses. $^{+}$ p<0.1, * p<0.05, ** p<0.01, *** p<0.001.

Figure 12: The Impact of Requirements on Graduates' Outcomes and Tuition



Note: This figure estimates the difference of graduates' outcomes and net tuition between law schools with low and high pre-requirement enrollment for the 5 graduating cohorts before the 2015 passage of the requirement to the 6 graduating cohorts after the requirement became effective for 2019 graduates. The results come estimating Equation 4. The shaded region reports 90 percent confidence intervals. Standard errors are clustered at the law school level.

Figure 13: Credits Per Offering and Per Graduate, 1997-2014

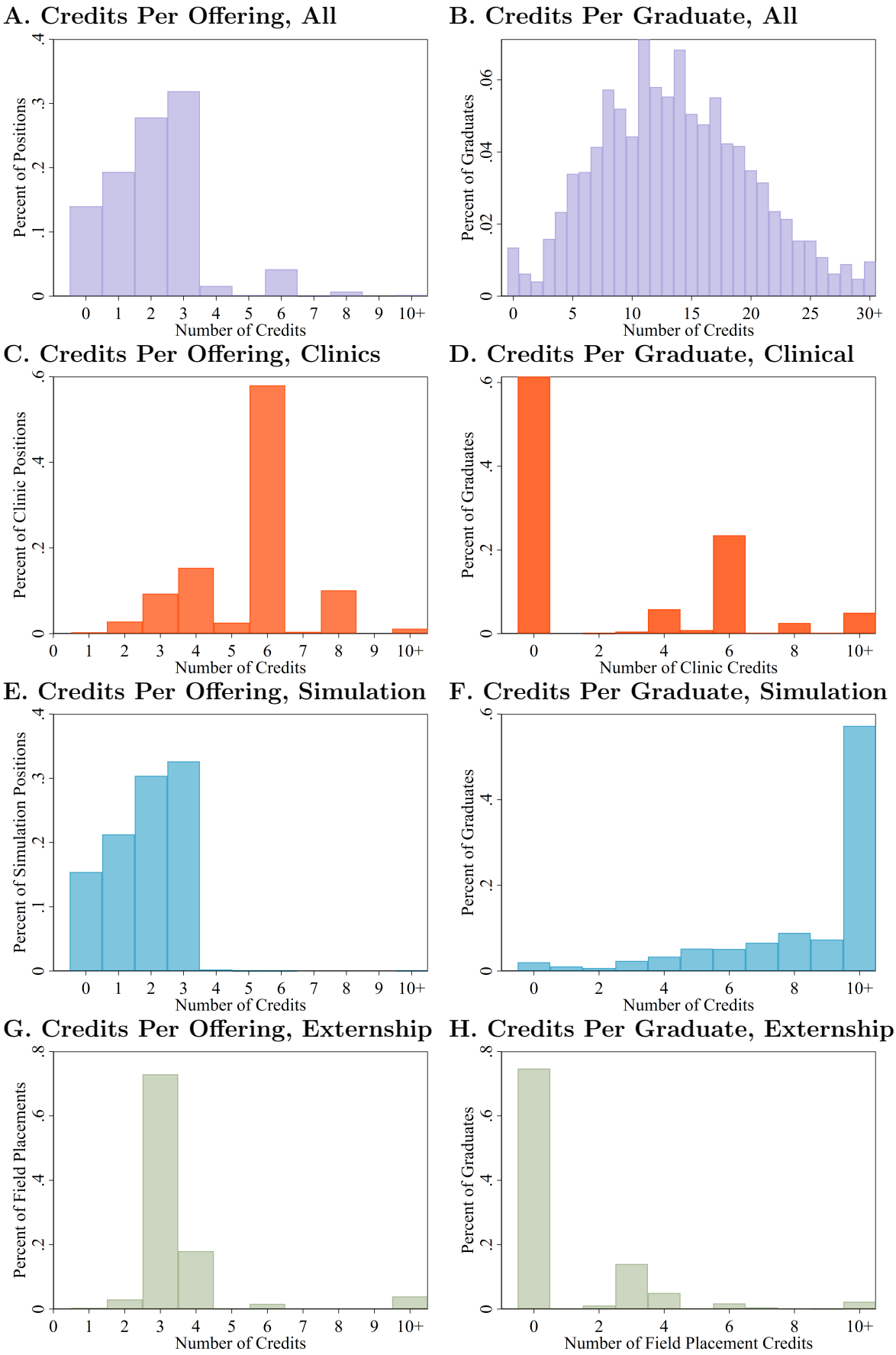
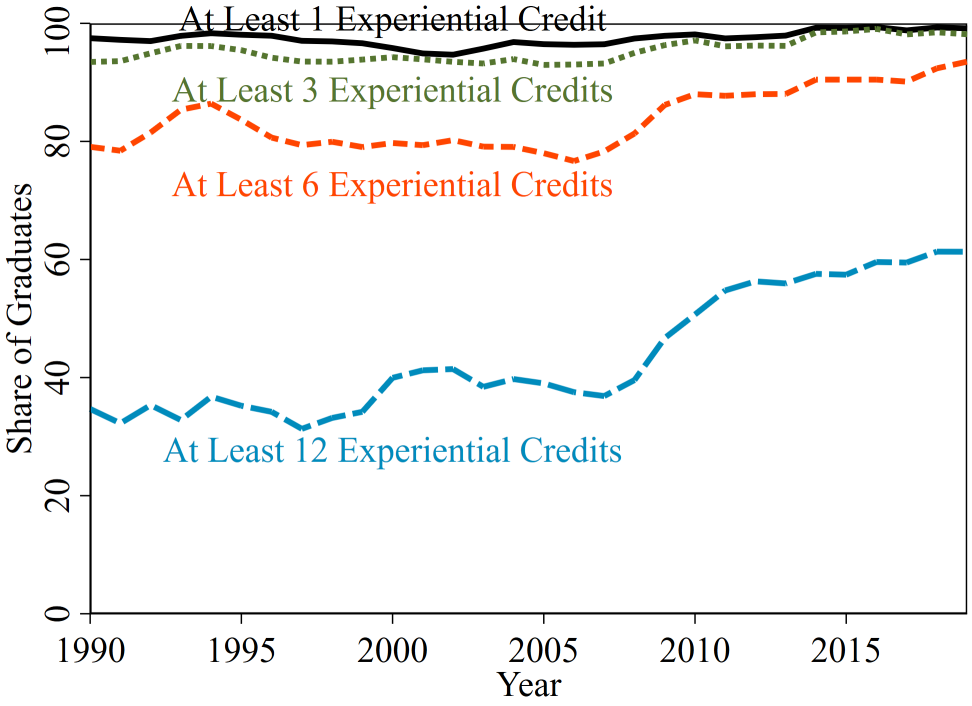


Figure 14: Experiential Courses Among Graduates Over Time

A. Number of Credits



B. Type of Experiential Course

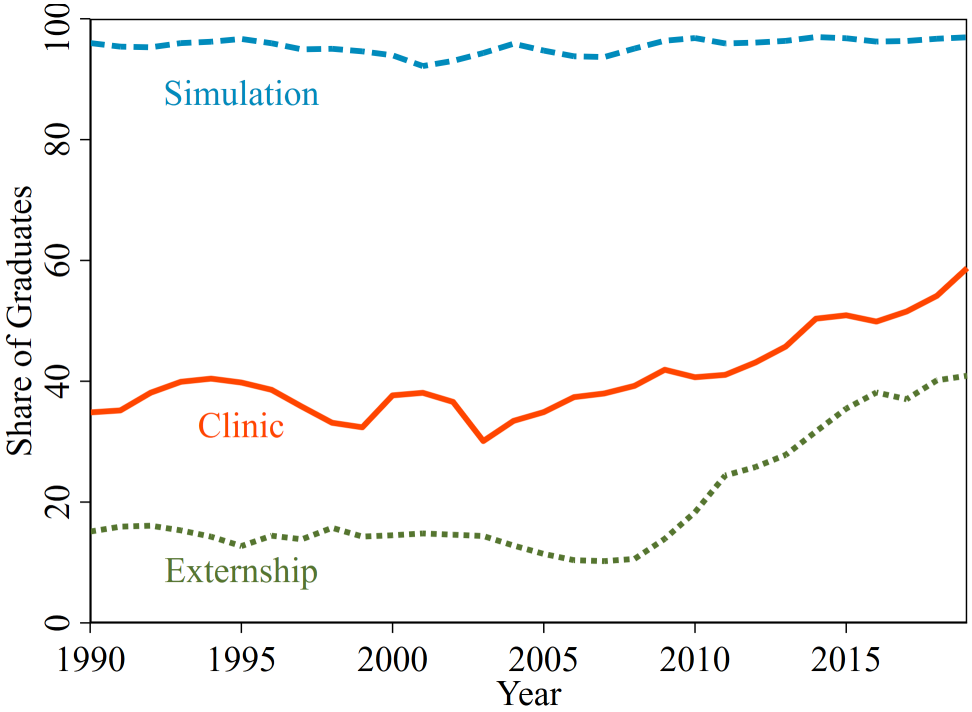


Table 2: Impact of ABA Requirement on Composition of Students in Clinics

	Student Clinical Education					
	Any Clinic		>6 Credits		Any Clinic	>6 Credits
	(1)	(2)	(3)	(4)	(5)	(6)
High Autonomy Proxy	0.242***	0.246***	0.230***	0.220***	0.272***	0.237***
	(0.025)	(0.031)	(0.024)	(0.031)	(0.028)	(0.029)
High Supervision Proxy	-0.217***	-0.291***	-0.082***	-0.098***	-0.269***	-0.084***
	(0.035)	(0.040)	(0.010)	(0.015)	(0.040)	(0.015)
ABA Requirement		-0.012		0.026	-0.087+	-0.021
× High Autonomy Proxy		(0.056)		(0.057)	(0.040)	(0.051)
ABA Requirement		0.196*		0.042*	0.131*	0.000
× High Supervision Proxy		(0.062)		(0.017)	(0.049)	(0.015)
Covariates						
Graduating Cohort FE					✓	✓
Observations	2,398	2,398	2,398	2,398	2,398	2,398
Outcome Mean	0.483	0.483	0.147	0.147	0.483	0.147

Note: Standard errors are clustered at the graduating cohort level and are in parentheses. + p<0.1, * p<0.05, ** p<0.01, *** p<0.001.

Appendix: Additional Results

Figure A1: Distribution of the Number of Faculty Members with a Clinical Appointment Over Time

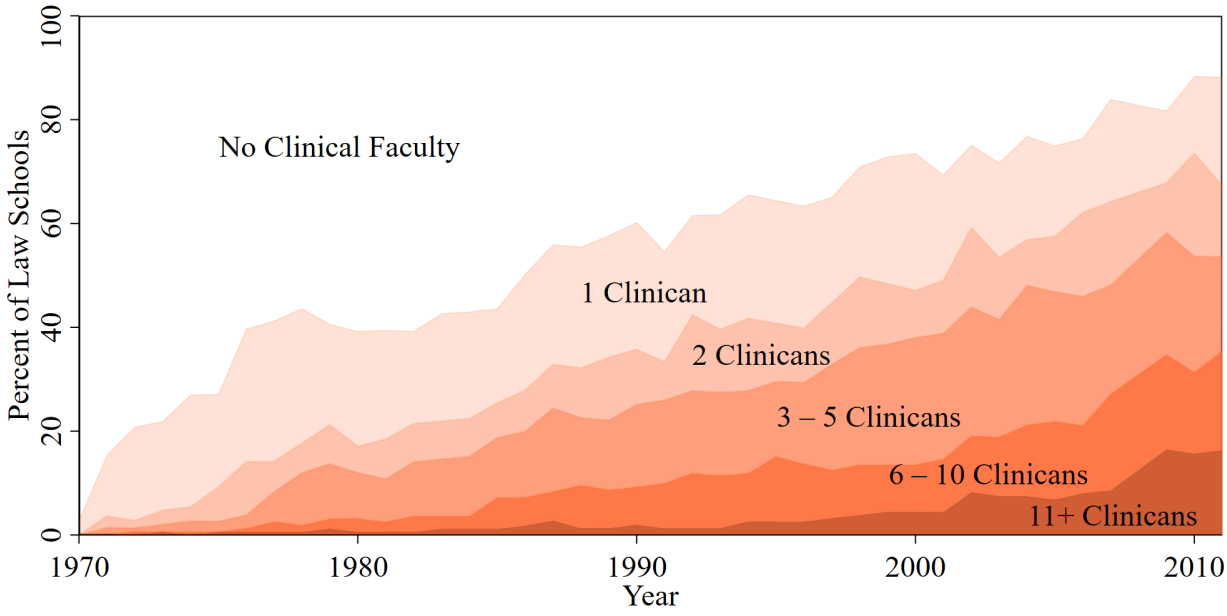


Figure A2: Distribution of Post-Graduate Outcomes and Tuition

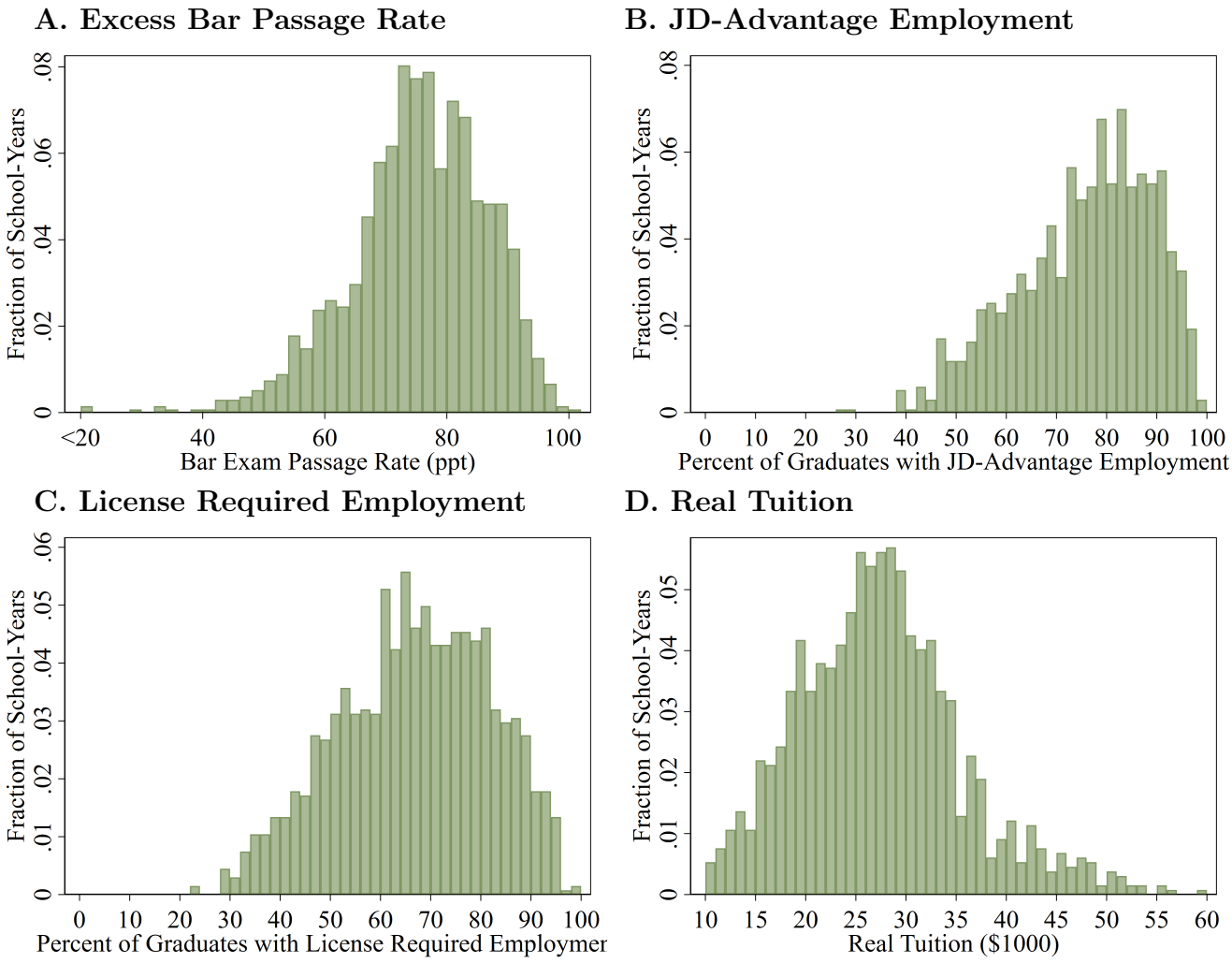
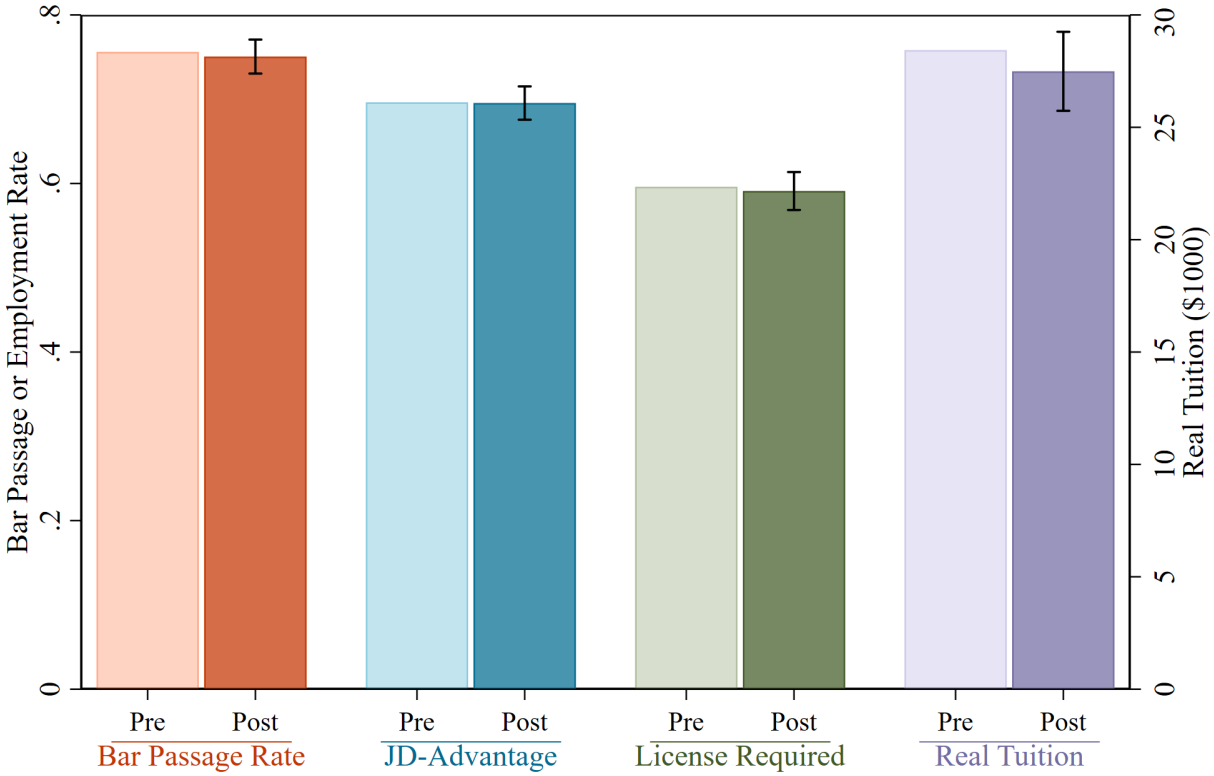


Figure A3: Impact of the ABA's 6-Credit Experiential Requirement on Post-Graduate Outcomes and Tuition



Note: This figure estimates the impact of the ABA's 2014 reform, which required that law students take a minimum of 6 experiential credits, on post-graduate outcomes and the cost of legal education. To do so, we first identify "treated" law schools that had the fewest experiential positions before the reform—and therefore were likely greatly affected by the requirement—and "control" law schools that had the most experiential positions before the reform—and therefore were likely largely unaffected by the requirement. Our estimates of the impact of the ABA's reform compare changes in bar passage rates, JD-advantage jobs, jobs that require a law license, and tuition from before and after the requirement was effective at these two types of schools. The four sets of bars correspond to these different outcomes. Within a given set of bars, the lighter shaded bar on the left is the average outcome among the treated schools before the reform, and the darker shaded bar adds the estimated coefficient to the average (the vertical bars are 90 percent confidence intervals). The results for the bar passage rates, JD-advantage jobs, and jobs that require a law license are reported on the left y-axis, and the results for tuition are reported on the right y-axis.

Figure A4: Change in Types of Experiential Positions Available by Law School Pre-Requirement Positions Filled

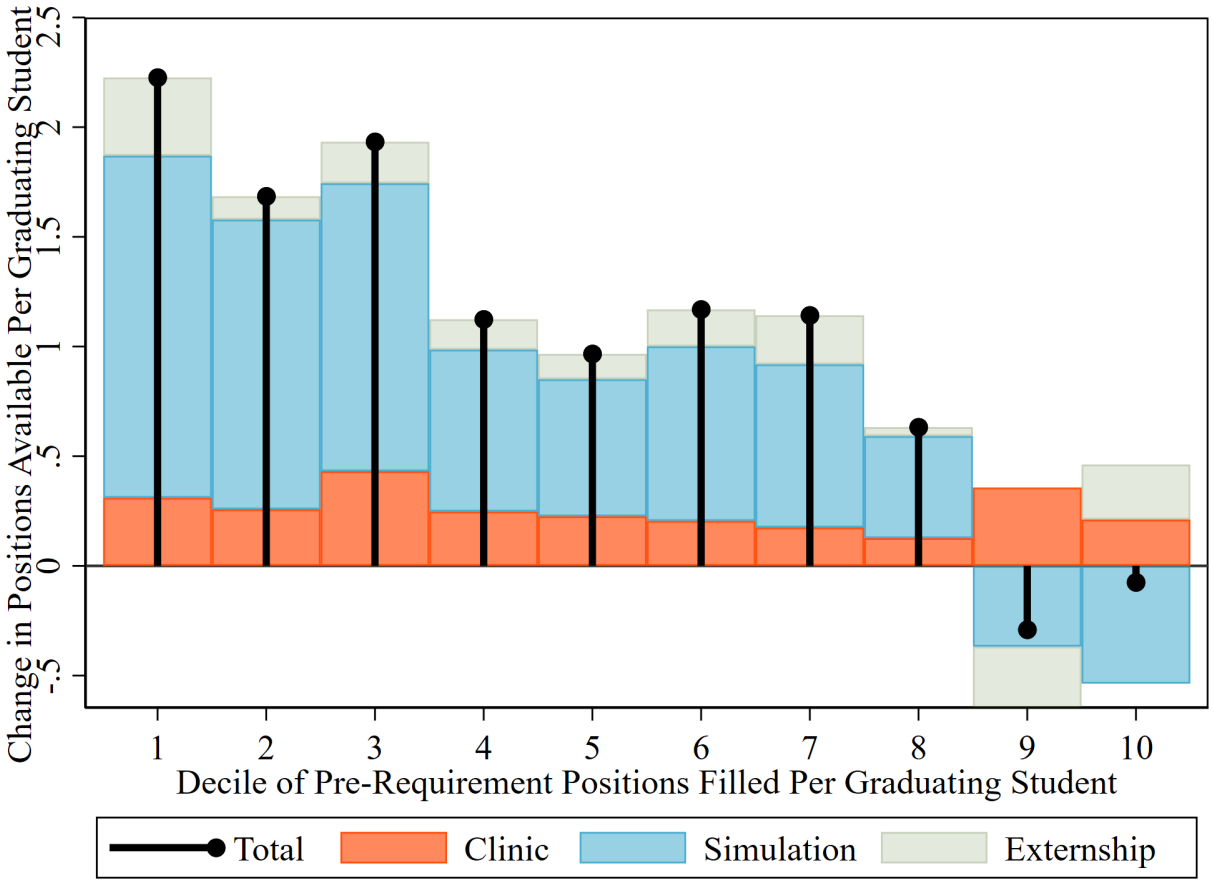


Figure A5: ABA Requirements and the Composition of Students in Clinics Over Time

