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## How Santa Clara Law's "Tech Edge JD" Program Improves the School's Admissions Yield, Diversity, & Employment Outcomes

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# HOW SANTA CLARA LAW’S “TECH EDGE JD” PROGRAM IMPROVES THE SCHOOL’S ADMISSIONS YIELD, DIVERSITY, & EMPLOYMENT OUTCOMES

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## ABSTRACT

*In 2018, Santa Clara Law (“SCL”) launched an innovative new certificate, “Tech Edge JD” (“TEJD”), for JD students who know when they apply to law school that they want to pursue technology law. TEJD students acquire valuable professional skills by completing milestones, not just specific courses, with support from a faculty/staff advisor and two practitioner mentors. This paper describes how the certificate works and highlights some program outcomes, including the program’s success at simultaneously improving the law school’s admissions statistics and yield, racial diversity, and employment outcomes.*

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This article is dedicated to the TEJD Class of 2021 for taking a chance on a brand-new program.

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## I. INTRODUCTION

Prospective law students are often told that they can do anything with their JD degree because law school provides a generalist education.<sup>1</sup> Based on this premise, many incoming law students start without a specific post-graduation plan and assume they will figure it out during law school.<sup>2</sup>

Incoming law students are also often told to prioritize their academic studies during their 1L year because their first-year grades will make-or-break their professional outcomes.<sup>3</sup> For example, until recently, the National Association for Law Placement (NALP) restricted institutional and employer engagement with 1Ls because “to be as successful as possible, [student] efforts during the first semester of law school should focus on their studies rather than on job search activities.”<sup>4</sup> These warnings discourage 1Ls from investing in non-academic professional development efforts.

While the conventional wisdom may apply to many incoming law students, other students enter law school with a clear vision of their desired professional outcome, and sometimes with substantial work experience or other commercially valuable credentials. Furthermore, in some cases, 1L grades will have minimal or no impact on their professional outcomes. For those students, conventional wisdom is counterproductive. It essentially tells those students to defer key parts of their career development until law school is already one-third done.

Due to its reputation for IP<sup>5</sup> and Silicon Valley location,<sup>6</sup> Santa Clara Law (“SCL”) attracts many students who already know they want to work on legal

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1. See generally, e.g., DEBORAH ARRON, WHAT CAN YOU DO WITH A LAW DEGREE?: A LAWYER’S GUIDE TO CAREER ALTERNATIVES INSIDE, OUTSIDE & AROUND THE LAW (LawyerAvenue Press, 2003); Ilana Kowarski, *What Is a J.D. Degree?*, U.S. NEWS (June 24, 2019), <https://www.usnews.com/education/best-graduate-schools/top-law-schools/articles/2019-06-24/what-is-a-jd-degree>.

2. E.g., Gabriel Kuris, *Advice for Older Law School Applicants to Consider*, U.S. NEWS (Jan. 27, 2020), <https://www.usnews.com/education/blogs/law-admissions-lowdown/articles/advice-for-older-law-school-applicants-to-consider>.

3. E.g., Renwei Chung, *What You’ll Wish You Had Known About Law School – Grades*, A.B.A. FOR LAW STUDENTS (Dec. 22, 2015), <https://abaforlawstudents.com/2015/12/22/what-youll-wish-you-had-known-about-law-school-grades/>.

4. NALP Principles and Standards Part V(D), NATIONAL ASSOCIATION FOR LAW PLACEMENT (Rescinded Dec. 12, 2018), <https://www.nalp.org/page.cfm?name=fulltextofnalpprinciplesandstandards> (for example, limiting career services counseling for 1L students before October 15).

5. *2023 Best Intellectual Property Law Programs*, U.S. NEWS, <https://www.usnews.com/best-graduate-schools/top-law-schools/intellectual-property-law-rankings> (last viewed Jan. 13, 2023).

6. In addition to countless startups, numerous major technology companies are located near the Santa Clara Law, including Adobe, Apple, Cisco, eBay, Facebook/Meta, Google, HP, Intel, Intuit, Intuitive Surgical, LinkedIn, Netflix, NVIDIA, Oracle, PayPal, and Yahoo.

issues relating to technology innovation and commercialization (i.e., “technology law”) after graduation.<sup>7</sup> Yet, for years, the law school largely relayed the conventional wisdom to incoming students: “Welcome to law school. Focus on your studies. We will discuss your interest in technology law after your 1L year. See you then.”

In 2017, SCL created a new JD certificate, the “Tech Edge JD” (“TEJD”) to better serve incoming students committed to technology law.<sup>8</sup> Overall, TEJD prompts students to invest extra time and energy into, and take greater agency over, their professional development.<sup>9</sup> Some of its unique attributes include:

- TEJD requires students to submit an additional application during the admission process;
- TEJD admission is discretionary;
- TEJD has its own orientation;
- TEJD students have a faculty/staff advisor and two practitioner mentors;
- TEJD students must complete three semesters of experiential learning; and
- TEJD students reach milestones instead of enrolling in specific courses (though many milestones can be satisfied through coursework). Milestone-based metrics help students recognize the goal of law school is to accumulate experiences and skills, not classes, and allows the certificate to require more deliverables from students.

TEJD admitted its first cohort in 2018. This article describes how TEJD is designed, the rationale behind the design choices, and SCL’s experiences with the program in its first four years. The article shows how TEJD helps boost

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7. Surveys indicate that about half of incoming students choose Santa Clara Law wholly or partially due to its technology law offerings.

8. See Neil Hamilton & Jerry Organ, *Learning Outcomes that Law Schools Have Adopted: Seizing the Opportunity to Help Students, Legal Employers, Clients, and the Law School*, 69 J. LEGAL ED. (forthcoming 2023) (recommending that law schools “[t]ake into account that students are at different developmental stages of growth and engage each student at the student’s present developmental stage”).

9. See generally NEIL W. HAMILTON & LOUIS D. BILIONIS, LAW STUDENT PROFESSIONAL DEVELOPMENT AND FORMATION: BRIDGING LAW SCHOOL, STUDENT, AND EMPLOYER GOALS (Cambridge University Press, 2022); Natalie Runyon, *Delta Model Update: The Most Important Area of Lawyer Competency – Personal Effectiveness Skills*, THOMSON REUTERS (Mar. 21, 2019), <http://www.legalexecutiveinstitute.com/delta-model-personal-effectiveness-skills/>; Natalie Runyon & Alyson Carrel, *Adapting for 21st Century Success: the Delta Lawyer Competency Model*, THOMSON REUTERS LEGAL EXECUTIVE INSTITUTE (Sept. 2019), <https://legal.thomsonreuters.com/content/dam/ewp-m/documents/legal/en/pdf/white-papers/delta-lawyer-competency.pdf>.

incoming students' average LSAT scores, admissions yield, student racial diversity, and employment outcomes for graduates.

## II. THE ORIGINS OF TEJD

### A. SANTA CLARA LAW'S TECHNOLOGY LAW-RELATED CERTIFICATES

Like many law schools, SCL offers JD students the option to obtain a specialized certificate.<sup>10</sup> This subpart discusses SCL's experiences with two tech-related certificates that preceded TEJD.<sup>11</sup>

#### 1. THE HIGH TECH LAW CERTIFICATE

SCL created its "High Tech Law Certificate" ("HTLC") in 1995. Students can choose the general certificate or "intellectual property," "corporate," or "international" specializations. Over 1000 alumni have earned the HTLC.

Initially, the HTLC was designed like an honors program, requiring a minimum grade in each certificate course plus an above-average overall certificate GPA. Starting in 2010, SCL removed those honors elements and only required students to complete courses from a list—similar to a major in college. Like many college majors, the HTLC provides only limited information to employers about the student's acquired competencies.<sup>12</sup>

#### 2. THE PRIVACY LAW CERTIFICATE

In the early 2010s, it became apparent that students seeking careers in privacy had different professional development needs than other HTLC students. This motivated the law school to create a new certificate for JD students, the "Privacy Law Certificate" ("PLC"), adopted in 2014. The PLC caters to the small number of students who seek a privacy law career while still in law school.

In addition to coursework (two required courses plus three electives), PLC students must:

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10. With limited exceptions, JD students may obtain only one Santa Clara Law certificate.

11. For more discussion about law school certificates, *see generally, e.g.*, Larry Catá Backer, *Toward General Principles of Academic Specialization by Means of Certificate or Concentration Programs: Creating a Certificate Program in International, Comparative and Foreign Law at Penn State*, 20 PENN. ST. INT'L L. REV. 67 (2001); John J. Worley, Karl Okamoto, & Sherry Porter, *Transactional Centers and Certificate Programs*, 12 TRANSACTIONS: TENN. J. BUS. L. 299 (2011); Robert Steinbuch, *Why Certificate Programs are Not Good for Legal Education*, NAT. JURIST (June 5, 2015), <https://nationaljurist.com/national-jurist-magazine/why-certificate-programs-are-not-good-legal-education>.

12. *See* Stephen J. Friedman, *Why Can't Law Students Be More Like Lawyers?*, 37 U. TOL. L. REV. 81, 92 (2005) ("law firms, particularly large firms, do not give serious weight to law school certificates and other evidence of substantive focus in law school").

pass a certification test<sup>13</sup> administered by the International Association of Privacy Professionals (“IAPP”);<sup>14</sup>

publish a paper on a privacy topic targeted towards privacy practitioners (such as publications by the IAPP or the California Lawyers Association); and complete an externship or internship doing privacy work.

The PLC Supervisor meets individually with each certificate admitted student at least twice a year to discuss certificate milestone progress and career development.

To ensure students have enough time to complete the certificate requirements, students must “declare” for the PLC by October first of their second year. The declaration occurs in a meeting with the PLC Supervisor, confirming the declarant’s commitment to privacy law. By declaring, students self-commit to do extra work to achieve their professional goals. If prospective declarants are indecisive, the supervisor directs them to do additional diligence, such as informational interviews with privacy professionals, before completing the declaration.

The PLC has achieved impressive results. As of 2018, over half of the students with PLC certificates started their post-JD career as an in-house privacy lawyer<sup>15</sup>—what many law students would describe as their dream job—despite the conventional wisdom that new law school graduates cannot start in-house.<sup>16</sup> Even more remarkably, some of those students were in the bottom half of their class’s GPA distribution. PLC helped students demonstrate their value to employers in other ways.<sup>17</sup>

### B. TEJD DESIGN CONSIDERATIONS

TEJD iterates on lessons learned from the PLC. The PLC succeeds in part because it helps students commit to a professional identity early in law school and motivates students to complete professional milestones that employers value. TEJD expands on those principles by introducing professional identity

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13. *IAPP Certification Programs*, IAPP CERTIFICATION, <https://iapp.org/certify/programs/> (last visited Jan. 13, 2023). An IAPP certification has become a de facto prerequisite for privacy law jobs in Silicon Valley.

14. *See generally IAPP Certification Programs*, *supra* note 13.

15. Eric Goldman, *A Look at One Law School’s Privacy Certificate Employment Outcomes*, IAPP PRIVACY ADVISOR (Sept. 25, 2018), <https://iapp.org/news/a/a-look-at-one-law-schools-privacy-certificate-employment-outcomes/>.

16. *E.g., Becoming In-house Counsel: A Guide for Law Students and Recent Graduates*, ASS’N OF CORP. COUNS. 19 (Dec. 2013), [https://www.acc.com/sites/default/files/resources/vl/membersonly/InfoPAK/19654\\_2.pdf](https://www.acc.com/sites/default/files/resources/vl/membersonly/InfoPAK/19654_2.pdf).

17. The long-term bull market for privacy professionals surely aided these outcomes. Even so, the PLC helped the students successfully compete against students with higher GPAs.



formation even earlier and expanding the milestones students achieve in law school.

TEJD also partially responds to the mid-2010s critiques of legal education. After the post-2008 legal industry downturn, students and commentators questioned the value of law school.<sup>18</sup> Was it worth its skyrocketing price? If law schools nurture only a few competencies, such as doctrinal knowledge and legal analysis, students graduate with conspicuous gaps in the competencies they need for professional success. This is a reason critics have suggested eliminating the third year of law school<sup>19</sup>—if it simply doubles down on the competencies developed in the first two years, then it is hard to justify the high cost of a third year. In contrast, if a law school can help students develop a fuller range of competencies and thereby enhance their value as professionals, then law school (including the third year) may be cost-benefit justified. TEJD seeks to accomplish this goal.<sup>20</sup>

In particular, during the TEJD market research, employers said that they expected Silicon Valley legal professionals to bring more than doctrinal knowledge and legal analysis. Employers wanted graduates with “soft skills” like teamwork (especially across disciplinary lines), emotional intelligence, cultural competence, project management, and client counseling.<sup>21</sup> They also wanted students who understood the unique aspects of Silicon Valley businesses, including how technology companies finance, develop, commercialize, and financially report on their products and services. The TEJD milestones help students accrete some of these experiences that employers value.

TEJD also acknowledges students’ growing interest in starting their careers as in-house lawyers or in JD-advantage roles.<sup>22</sup> Although JD-advantage jobs

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18. *E.g.*, See generally BRIAN Z. TAMANAHA, *FAILING LAW SCHOOLS* (The University of Chicago Press, 2012); Brian Z. Tamanaha, *Is Law School Worth the Cost?*, 63 J. LEGAL EDUC. 173 (2013); *Find the Best Law School for You*, LAW SCHOOL TRANSPARENCY, <https://www.lawschooltransparency.com/> (last visited Jan. 13, 2023).

19. *E.g.*, Dylan Matthews, *Obama Thinks Law School Should Be Two Years. The British Think It Should Be One.*, WASH. POST (Aug. 27, 2013), <https://www.washingtonpost.com/news/wonk/wp/2013/08/27/obama-thinks-law-school-should-be-two-years-the-british-think-it-should-be-one/>.

20. TEJD students are not charged extra tuition.

21. *2019 ACC Chief Legal Officers Survey*, ASS’N CORP. COUNS. 21 (2019), <https://www.acc.com/sites/default/files/resources/upload/2019-ACC-Chief-Legal-Officers-Survey.pdf> (the 2019 Associated Corporate Counsel survey of chief legal officers cited leadership, business management, communication, project management, and executive presence as top non-legal skills they sought to develop in their legal teams).

22. A.B.A., *Employment Summary for 2021 Graduates*, SANTA CLARA LAW SCHOOL (May 23, 2022, 4:19 PM), <https://law.scu.edu/careers/employment-statistics/> (according to Santa Clara Law’s

are sometimes viewed skeptically by legal educators, many JD-advantage jobs in Silicon Valley are excellent professional opportunities with favorable initial and lifetime earning potential.<sup>23</sup> Indeed, some PLC alumni have voluntarily switched from JD-required to JD-advantage jobs, because the JD-advantage jobs are more attractive or more lucrative. TEJD provides a viable pathway for students who choose to pursue in-house and JD-advantage jobs immediately after law school.

### III. TEJD PROGRAM DESCRIPTION AND ASSESSMENT OF ITS OUTCOMES

This part describes several of TEJD's key features, including admissions, orientation, advising/mentoring, experiential learning, and certificate milestones, and how those features have worked over the past four years.

#### A. ADMISSIONS

##### 1. HOW IT IS DESIGNED

Students apply for TEJD while applying for admission to SCL. SCL and TEJD admissions decisions are made independently, but a student not admitted to SCL cannot participate in the TEJD program. TEJD admissions are done on a rolling basis.

A TEJD applicant submits two TEJD-specific essays, up to 300 words each, in addition to the law school application essay. The TEJD essay prompts are:

(1) Why do you want to be a technology professional, and what research have you done to inform your decision?; and

(2) Explain how significant social or economic change will occur in your life over the next 5-10 years, due to a new or developing technology.

Students whose TEJD application essays score well (using a rubric) are scheduled for a fifteen-minute video interview<sup>24</sup> with the TEJD director. The interview largely covers the same ground as the essay topics, but helps confirm the applicant's authenticity and interest in technology law.

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ABA employment statistics, in 2021, 22% of employed graduates were employed in business/industry (in-house), and 14% of employed graduates were in JD-Advantage positions).

23. See, e.g., Susan D. Carle, *The Current Anxiety About JD Advantage Jobs: An Analysis*, 57 SAN DIEGO L. REV. 675, 677 (2020) ("Rather than viewing JD Advantage jobs as backup choices new graduates take after their dreams of practicing law in the traditional sense have been thwarted, opinion makers should recognize JD Advantage jobs as potentially attractive opportunities generated by important ongoing transformations in the legal profession.")

24. Initially, applicants could choose an in-person interview. This created logistical challenges, and some applicants incurred substantial travel expenses. As it turned out, video interviews were sufficient.

Collectively, the essays and the video interview are evaluated on two criteria:

(1) is the applicant intellectually curious about technology? This criterion correlates with the ability to grasp complicated or evolving technologies; and

(2) did the applicant articulate well-supported reasons why they want to be a technology law professional? Applicants do not need to have it all figured out, but need to show that they have done some homework. This criterion correlates with motivation to complete the certificate's rigorous requirements.

The TEJD admissions criteria do not include the student's LSAT or GPA, because TEJD seeks to help students accelerate their professional development from whatever starting point they are at, not reward them for past academic achievement.

## 2. ASSESSMENT AND LESSONS

### *a. YIELD AND LSAT LIFTS*

TEJD has benefited SCL's admissions in two ways. First, TEJD admittees generally choose to matriculate at a substantially higher rate than admittees to SCL. Second, TEJD cohorts have higher average LSATs than their incoming classes, *even though LSAT scores were not considered*.<sup>25</sup>

<b>Matriculation Year</b>	<b>Matriculated TEJD Students</b>	<b>TEJD Admittees Yield / Yield Lift</b>	<b>LSAT Points Lift</b>
2018	15	32% / +11.7%	+2
2019	35	50% / +29.5%	+3
2020	44	51% / +29.3%	+1
2021	37	43% / +25.3%	+3

### *b. WHAT EXPLAINS THE ADMISSION YIELD AND LSAT LIFTS?*

TEJD helps SCL successfully compete for students who likely had acceptances at higher-ranked schools.<sup>26</sup> Why?

Incoming TEJD students have indicated the online admissions interview helps market the program and the law school. Furthermore, after admission into the TEJD program, the TEJD director and program manager deepen the

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25. There has not been an equivalent lift for the TEJD matriculants' average undergraduate GPA, which has been close to (and in one year lower than) the average for incoming students.

26. Due to their numerical predictors, students admitted to TEJD may be getting larger scholarship offers from Santa Clara Law than other admittees. The interplay between TEJD admission yield and scholarship awards warrants further study.

students' connection to the law school through additional interactions. SCL also holds a late Spring recruiting event for TEJD admittees, which increases their connections to the law school and their peers.

Other possible explanations:

- the separate TEJD admissions process (unintentionally) creates a “velvet rope” effect<sup>27</sup> that boosts its perceived value;
- students decide that TEJD is a superior offering in the marketplace; or
- TEJD deepens the commitment of applicants who were already enthusiastic enough about SCL to complete the additional essays and interview.

The TEJD admissions process does not optimize for LSAT scores, so what accounts for the lift? Likely, LSAT scores are correlated with other personality characteristics that are measured by the TEJD admissions criteria, but it is not clear how that correlation works.

### c. DIVERSITY

TEJD was not designed to boost racial diversity, but it has had that effect nonetheless. Except the first cohort, TEJD has admitted more diverse cohorts than the overall law school class—which is especially impressive given that SCL is already among the most diverse law schools in the country.<sup>28</sup> There may be overlapping explanations for the diversity lift, but an obvious possibility is because TEJD does not consider applicant LSAT or GPA. TEJD allows students to demonstrate their merit in multitudinous ways without being constrained by numerical predictors.

In contrast, except for the first cohort, TEJD has had a lower percentage of female members than the overall law school class<sup>29</sup> (Note the potentially counterintuitive definitions of “gender diversity” of law school students now

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27. See generally, LUKE BURGIS, WANTING: THE POWER OF MIMETIC DESIRE IN EVERYDAY LIFE (Macmillan Publishers, 2021) (discussing the work of René Girard); NELSON D. SCHWARTZ, THE VELVET ROPE ECONOMY (Anchor, 2020); Gaby Goldberg & Jordan Odinsky, *The Value of a Velvet Rope: Effects of Hype and Exclusivity on Launch Strategies*, MEDIUM (July 21, 2020), <https://gabygoldberg.medium.com/the-value-of-a-velvet-rope-effects-of-hype-and-exclusivity-on-launch-strategies-8e8061cf517e>; see Wiley Miller, *Non Sequitur (Illustration)*, GOCOMICS (July 30, 2013), <https://www.gocomics.com/nonsequitur/2013/07/30>.

28. Mike Stetz, *Most Diverse Law Schools*, PRELAW, Winter 2021, 28, 30 (for example, Santa Clara Law received an A- grade for diversity in 2022).

29. These statistics reflect binary gender designations because that is how the data is collected for mandatory reporting purposes, but binary gender classifications are anachronistic and insensitive.

that women are a majority of law school students nationwide).<sup>30</sup> Women are underrepresented in some areas of technology law, especially patent bar membership,<sup>31</sup> and it's possible that TEJD is affected by that phenomenon. At the same time, two of the four cohorts have had a female majority. TEJD's gender dynamics warrant further study.

<b>Matriculation Year</b>	<b>Matriculated TEJD Students</b>	<b>TEJD % Female / Lift</b>	<b>TEJD % Racial Diversity<sup>32</sup> / Lift</b>
2018	15	57% / +1%	47% / -5%
2019	35	44% / -11%	53% / +3%
2020	44	41% / -14%	51% / +1%
2021	37	54% / -2%	64% / +11%

## B. TEJD ORIENTATION

### 1. HOW IT IS DESIGNED

TEJD orientation seeks to get students thinking about career development and to start forming their professional identity and career plan. It is also an opportunity for students to build social bonds with their peers and their advisor/mentors.

The TEJD orientation is scheduled for the day(s) immediately preceding regular law school orientation. Initially, TEJD orientation consisted of a morning site tour of a local technology company and a local law firm specializing in technology law. At the stops, company/firm representatives talked about their work. The cohort returned to campus for a lunchtime panel

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30. *Women in the Legal Profession*, ABA PROFILE OF THE LEGAL PROFESSION (2019), <https://www.abalegalprofile.com/women.php> ("Women make up a majority of law school students in the United States: 55.3% in 2021").

31. E.g., Elaine Spector & LaTia Brand, *Diversity in Patent Law: A Data Analysis of Diversity in the Patent Practice by Technology Background and Region*, LANDSLIDE (Sept./Oct. 2020), [https://www.americanbar.org/groups/intellectual\\_property\\_law/publications/landslide/2020-21/september-october/diversity-patent-law-data-analysis-diversity-patent-practice-technology-background-region](https://www.americanbar.org/groups/intellectual_property_law/publications/landslide/2020-21/september-october/diversity-patent-law-data-analysis-diversity-patent-practice-technology-background-region) ("women make up 21.8 percent of USPTO registered attorneys and agents"); see generally Mary T. Hannon, *The Patent Bar Gender Gap: Expanding the Eligibility Requirements to Foster Inclusion and Innovation in the U.S. Patent System*, 10 IP THEORY 1 (2020); Colleen V. Chien, *Increasing Diversity in Innovation by Tracking Women, Minority, and Startups Innovators that Patent and Supporting Experimentation in Inclusive Innovation*, SANTA CLARA UNIVERSITY SCHOOL OF LAW LEGAL STUDIES RESEARCH PAPERS SERIES NO. 01-19 (June 30, 2019), [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3413805](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3413805) (discussing barriers to entry that women face in the innovation process).

32. The TEJD and 1L class diversity percentage is the percentage of students whose ethnicity is unknown, or who declared an ethnicity other than white, excluding nonresident alien students.

of more professionals discussing their jobs. After lunch, the cohort developed tentative career plans and learned how to network. The day ended with an evening reception with advisors and mentors.

Due to COVID-19, in 2020 the TEJD orientation was split into two virtual half-days. The first day consisted of presentations by law firm, in-house, and government lawyers, as well as professionals in JD-advantage jobs, working in the technology law field, each explaining their job and their career arc. This virtual format allowed for a greater number and range of presenters than the in-person format, providing TEJD students with a wider understanding of career options. The second day consisted of career planning and online networking with advisors. When the pandemic restrictions were relaxed, the second-day components switched to in-person, but the career panels remained virtual to maximize participation from a wide variety of presenters.

The career planning portion uses design thinking<sup>33</sup> to create a customized work/life plan. The orientation covers the five steps of design thinking: Empathize, Define, Ideate, Prototype, and Test/Refine. In a commercial context, the “Empathize” stage involves interviewing or surveying customers to understand their needs. In the career planning context, students treat themselves as the “customer.” Students complete exercises over the summer to essentially interview themselves and reflect on what they want from work and life. The professionals’ presentations during orientation help students through the “Define” stage. In “Ideation,” students engage in design thinking exercises like mind mapping and mashups to envision alternate legal careers and a possible five-year plan. Through a self-exploration exercise, students zero in on one career option and build a roadmap with concrete milestones. After orientation, students “Prototype” their prioritized option through informational interviews, externships, extracurriculars, and work experiences. The additional information gathered from those efforts prompts students to “Test/Refine” their career options.

### 3. ASSESSMENT AND LESSONS

Students find the orientation dense and exhausting, but also say it is one of the most impactful experiences in law school.

One key to its success: holding TEJD orientation before regular orientation. TEJD students build social connections that enhance their general orientation experience and their transition into law school. Furthermore, students love the career presentations. Often, this is the first time they have heard first-hand testimonials about post-JD career options, and they use the information to

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33. See generally BILL BURNETT & DAVE EVANS, *DESIGNING YOUR LIFE: HOW TO BUILD A WELL-LIVED, JOYFUL LIFE* (Knopf Doubleday Publishing Group, 2016).

visualize themselves in one or more of the roles. A better understanding of what lawyers actually do also helps the students contextualize their 1L studies.<sup>34</sup> Finally, during the TEJD orientation, students can focus on career development before they become overwhelmed by 1L studies.

The career plan developed in TEJD orientation gives the students a starting professional identity to Test/Refine.<sup>35</sup> The hypothesis helps students with post-orientation networking meetings, because they have more confidence and can ask more precise questions. The students often impress their networking contacts in these meetings because they look more focused than other law students.

Nevertheless, some TEJD students find it challenging to Test/Refine their career plan based on the feedback they get from networking. Those students might benefit from more structured post-orientation professional development support.

### C. ADVISING/MENTORING

#### 1. HOW IT IS DESIGNED

Each TEJD student is assigned one faculty or staff advisor and two practitioner mentors.

Faculty/staff advisors have some expertise in business or technology law. Advisors help their advisees navigate curriculum choices, figure out how to complete the certificate's milestones, make introductions, and flag extracurricular and job opportunities. Advisors are expected to meet with advisees at least once per semester, and advisor-advisee relationships usually run from matriculation to graduation and beyond.<sup>36</sup>

Mentors are law school graduates in the Bay Area. Most are lawyers, but some work in JD-advantage jobs. Typically, one mentor is a "veteran" mentor with ten plus years of experience, and the other mentor is a "junior" professional with less experience. "Veteran" mentors may provide valuable insights about navigating professional challenges and making career pivots; while "junior" mentors have first-hand experience with the realities of modern

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34. Hessam Gharaviram, 2022 TEJD Graduate and an incoming Associate at Perkins Coie LLP, said: "Before even starting law school, we had the opportunity to meet fellow classmates, professors, and mentors, who provided tremendous insights into effective legal studying methods. This was particularly helpful for non-traditional law students such as myself."

35. See generally NEIL W. HAMILTON, ROADMAP: THE LAW STUDENT'S GUIDE TO MEANINGFUL EMPLOYMENT (American Bar Association, 2d ed. 2018) (for more on the benefits of written career plans); Larry O. Natt Gantt, II & Benjamin V. Madison III, *Self-Directedness and Professional Formation: Connecting Two Critical Concepts in Legal Education*, 14 U. ST. THOMAS L.J. 498 (2018).

36. When faculty/staff leave during an advisory relationship (due to sabbaticals, leaves, retirements, departures, etc.), advisees are assigned to a different advisor.

job searching. Each mentor is expected to meet with their mentee at least once per semester<sup>37</sup> and make introductions to people in their networks. (Mentors sometimes even hire the mentees themselves).

Assigning two mentors, rather than one, increases the odds that at least one mentor-mentee match will succeed. As with advisors, mentor-mentee relationships usually run from matriculation to graduation and beyond. Occasionally, TEJD students request a new mentor when their assigned mentor lacks responsiveness or enthusiasm. These requests are usually denied because students need to develop their abilities to manage a professional mentorship.<sup>38</sup>

To facilitate advisor and mentor assignments, incoming students complete a questionnaire about their professional and personal interests. Advisor assignments are usually based on the student's self-identified professional interests. For example, a student who is interested in patent prosecution is likely to be paired with one of the school's patent professors. Mentor assignments are driven primarily by personal considerations, such as shared hobbies, undergraduate institutions, life experiences, or cultural backgrounds.

To "train" advisors and mentors, the TEJD director created training videos that explain: the TEJD requirements, the Designing Your Life process, cultural considerations, and expectations for supporting students.

## 2. ASSESSMENT AND LESSONS

Providing students with a support team of three people is a crucial part of TEJD's success. Students routinely cite it as TEJD's most valuable aspect,<sup>39</sup> and it likely helps with the admissions yield for prospective students seeking

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37. Mentors are asked to turn one meeting per year into a site visit or joint attendance at a professional development event.

38. Judy T. Zerzan et al., *Making the Most of Mentors: a Guide for Mentees*, 84 ACAD. MED. 140, 140 (2009) ("The mentee is not an empty vessel receiving the mentor's advice and wisdom but, rather, an active participant, shaping the relationship").

39. Phillip Yin, a 2022 TEJD graduate and now an incoming associate at Fenwick & West LLP, said: "Having a faculty advisor and practicing attorney mentors assigned by the Tech Edge program is invaluable throughout law school. These resources were instrumental in helping me explore available career options, plan my career path, become familiar with terminology in specific practice areas, and network to secure job opportunities. I don't know where I would be without their terrific guidance."; Devika Sagar, a Fall 2021 TEJD graduate who is now Legal Counsel for BigFoot Biomedical Inc., said: "Having two mentors who are working at top tech companies in the Bay Area has provided me with a unique perspective that other students may not have access to."; Jess Miers, a 2021 TEJD graduate and now on Google's Government Affairs and Public Policy team, said her faculty advisor "inspired me to become a leader within the SCU Law community and my field, he opened his network to me and kept me closely involved with his research, and he helped me accomplish every single professional goal we set out at the beginning of my academic journey."; Natt Gantt, *supra* note 35, at 523-25 (discussing the benefits of 1:1 "coaching").



extra support to navigate law school. However, advisor/mentor matching and oversight create significant administrative challenges.

First, it is difficult to calibrate student, advisor, and mentor expectations. For example, because students constantly iterate their priorities and plans (which is a good thing), practice area matches never will be perfect. To address this, the TEJD staff members reinforce the value of long-term relationship-building with their mentors.<sup>40</sup>

Also, students sometimes feel apprehensive about engaging with their advisor and mentors and avoid initiating meetings. The TEJD staff members expressly address this problem in orientation and talk about how advisors and mentors *want* to help.<sup>41</sup> Nevertheless, getting students past their trepidation remains an ongoing challenge.

Second, assigning two mentors to each TEJD student is a major administrative burden. If there are forty new TEJD students each year, the program needs to recruit eighty mentors and optimize eighty matches each year. Each Spring, TEJD staff sends out a call for volunteers, but mentor recruitment spills into summer and sometimes into the Fall semester. The TEJD staff invites current mentors to take on a second mentee, but few do so. On the plus side, recruiting mentors has given alumni an easy way to reengage with the law school.

Each faculty/staff advisor accepts between one and five new advisees each year, with a likely sweet spot of eight to twelve total advisees at any one time. Even if advisors only meet with their advisees once a semester, an advisor with ten advisees (over the three cohorts) adds twenty meetings to their annual schedule. Initially, faculty/staff advisors only received service credit for their advisory roles. To encourage faculty/staff members to accept more advisees, they now get a stipend of \$400/year/advisee.

#### D. EXPERIENTIAL LEARNING

##### 1. HOW IT IS DESIGNED

Experiential learning is a core TEJD value. Students must take one semester of the Entrepreneurs' Law Clinic ("ELC"), an on-campus transactional clinic

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40. See, e.g., Peggy A. Hopkins-Thompson, *Colleagues Helping Colleagues: Mentoring and Coaching*, 84 NASSP BULL. 29, 30 (2000) (mentors "support the being of their protégé's, providing advocacy, counseling, support, and protection," whereas coaching is "more focused and usually shorter in duration," where coaches teach specific skills by "breaking them down into behaviors, modeling them, observing them, and then providing feedback").

41. See generally THE BLACKWELL HANDBOOK OF MENTORING: A MULTIPLE PERSPECTIVES APPROACH (Tammy D. Allen & Lillian T. Eby, eds., 2007); see François Grima et al., *Exploring the Benefits of Mentoring Activities for the Mentor*, 19 CAREER DEV. INT'L 469, 470-471 (2014).

supporting entrepreneurs, startups, and nonprofit business clients. An ELC semester is three units with 150 hours of total class time and clinic work. The ELC does not have prerequisites, and students can take it as early as their 1L summer.

TEJD students must also complete two externships, with each being three units.<sup>42</sup> Each three-unit externship is 150 hours of professional time. Students can count internships toward this requirement (with the TEJD director's approval) if the internship provides quality professional experiences (as opposed to, say, administrative work).<sup>43</sup> TEJD staff highlight externship opportunities with students, but they do not place students into externships.<sup>44</sup>

## 2. ASSESSMENT AND LESSONS

Students favorably cite the experiential learning requirements. It helps students develop their professional skills, build their resumes, and Test/Refine their plans.<sup>45</sup> Indeed, the 450 total hours of professional work sometimes help students compete for jobs that require "experience." Plus, externships can lead to internships or permanent jobs with the employers.

Students, especially 1Ls, are understandably nervous about finding their own externships. To address this, TEJD staff—in cooperation with the Office of Career Management—hold TEJD-specific workshops on resume drafting and job searching. The workshops cover how to solicit mentors' help with the externship and job-search process and how much effort the search can take (students often underestimate the number of applications they will need to submit).

### *E. CERTIFICATE MILESTONES*

#### 1. HOW IT IS DESIGNED

Most SCL certificates, including the HTLC, primarily measure student outcomes by course completion. In contrast, TEJD enumerates six specific

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42. This requirement overlaps with the law school's response to ABA Standard 303(a)(c).

43. This parallels ABA Standard 304(d) that externships require "substantial" experience relating to the student's desired career path, such as "advising or representing a client" or "engaging in other lawyering tasks."

44. The law school's externship rules let students create their own externships.

45. Jess Miers, a 2021 TEJD graduate, said, "I learned early on from my experiences in Tech Edge that I did not want to be at a law firm or in-house counsel. Rather, I want to be a key influencer when it comes to shaping Internet policy. And that's exactly what I do today as a Government Affairs and Public Policy Analyst at Google; a career I started before I graduated from law school."

accomplishments students need to achieve,<sup>46</sup> whether in a course or elsewhere. The six milestones required to complete the certificate:

- draft and negotiate a transaction relating to the student’s desired career path;
- participate in a cross-disciplinary team that includes businesspeople and engineers;
- present a set of options, with a recommendation, to decision-makers;
- model cash flow projections and analyze financial statements;
- learn about Silicon Valley’s business norms and practices, including start-ups, financings, M&A, licensing, employment practices, cash and stock compensation, Silicon Valley lingo, and Silicon Valley culture; and
- become familiar with basic technology concepts and ways new technologies are developed, commercialized, and distributed.

To complete the certificate, students submit explanations of how they think they satisfied each milestone to a TEJD-specific Canvas (“LMS”) “course.”

## 2. ASSESSMENT AND LESSONS

Students have mixed feelings about the milestones. The list of obligations can overwhelm some students, who then may require extra support from TEJD staff and advisors/mentors. However, learning how to navigate amorphous sets of requirements is an essential professional skill.

Other TEJD students like the “gamification” of accumulating professional skills.<sup>47</sup> Yet other TEJD students feel the milestones are too easy to achieve. Indeed, some students complete multiple milestones in a single-semester externship or internship, especially when students ask their supervisors for opportunities to complete milestones.

Some TEJD students pursuing litigation or patent prosecution feel the milestones skew towards a transactional practice. Then again, it partially

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46. See Hamilton, *supra* note 8 (discussing “competency-based education”).

47. Devika Sagar, a Fall 2021 TEJD Graduate and now Legal Counsel for BigFoot Biomedical Inc., said: the milestones “pushed me to become exposed to legal issues and cross-functional projects to help prep me for real-world work.”; Paige Stapleton, a TEJD class of 2023 and a summer intern at Sony Interactive Entertainment, said: “the TEJD requirements themselves provide a framework for success in the program - this really helped me to gauge my success as a law student in the program.”; Krishna Leikind-Williamson, a TEJD Class of 2023 and a summer intern at Intel Corporation, praised how TEJD emphasizes “students obtaining and developing practical skill sets through real-life experiential learning, tailored feedback, and mentorship. Growing those practical skill sets made me comfortable in my ability to work with legal professionals and produce quality work product.”

balances out the litigation bias in the traditional law school curriculum.<sup>48</sup> Furthermore, the milestones can help students better contextualize the business dynamics driving litigation or patent prosecution. Plus, virtually all lawyers are involved with transactions, including litigators working on settlement agreements and patent prosecutors who help their clients acquire, license, and sell IP rights.

Several of the milestones, such as “learning about Silicon Valley’s business norms and practices” and “becoming familiar with basic technology concepts,” are not easily measured/assessed, making them more aspirational than concrete. More clearly defined milestones would make it easier for advisors to guide students and would reduce student anxiety.

Although TEJD progress is not measured by completing coursework, the certificate has spurred some curricular innovations. For example, to help students with the milestone of working on a cross-disciplinary team with businesspeople and engineers, SCL offers a course cross-listed with graduate engineering and business departments that satisfies the milestone.<sup>49</sup> Another new course, “Law and Technology of Silicon Valley,” covers Silicon Valley business norms and the commercialization and development of Silicon Valley technologies.

SCL already had courses that incorporated milestones, such as “drafting and negotiating a transaction” (which occurs in several courses) and “model cash flow projections and analyze financial statements” (in Corporate Finance and Law Practice Management). However, instructors change their pedagogy from time to time and different instructors adopt different pedagogies, so course approvals for TEJD milestone completion are faculty- and year-specific. TEJD staff members have also created a video lecture series about modeling cash flow projections and analyzing financial statements.

Overall, the milestone-based certificate is an important innovation compared to the standard course-driven approach of most law school certificates, but it has turned out to be a relatively small part of TEJD’s overall

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48. See Adam N. Eckart, *Litigation Bias*, 101 OR. L. REV. 51 (2022), <https://ssrn.com/abstract=4065819>; Eric J. Gouvin, *Teaching Business Lawyering in Law Schools: A Candid Assessment of the Challenges and Some Suggestions for Moving Ahead*, 78 UMKC L. REV. 429, 434 (2009) (“We (perhaps unconsciously) socialize our students from the very first day of law school into the belief that everything revolves around litigation”).

49. See *New Multi-Disciplinary Course Improves Communications Among Silicon Valley Professionals*, SANTA CLARA UNIV. (May 16, 2019), <https://www.scu.edu/news-and-events/press-releases/2019/may-2019/new-multi-disciplinary-course-improves-communications-among-silicon-valley-professionals.html> (a sample course syllabus is available at <https://digitalcommons.law.scu.edu/historical/1900/>). Because course seats are quite limited, the TEJD director has occasionally approved other cross-disciplinary experiences, such as working on a team with creatives, product managers, and human resources.

success. One possible reason is that milestone completions come relatively late in certain students' law school careers, after they have already racked up other resume items—like internships and externships—that employers value more highly. Another possibility is that TEJD's most effective levers are the advisory/mentor structure and the early professional identity formation. To the extent that those factors make major differences early in the student's law school experience, the milestones become building blocks on top of that foundation, but they are not the foundation itself.

#### *F. RESOURCES REQUIRED*

The current TEJD student population of approximately 110 students requires the following institutional resources:

- approximately 1/3 full-time equivalent (FTE) for the TEJD director role;
- 1/2 FTE for the administrative support plus supplemental help with mentor matching;
- a program budget for orientation, events during the semester, and other student support; and
- a budget for compensating faculty/staff advisors.

#### *G. STUDENT GOVERNANCE*

In 2021, TEJD staff added a TEJD student “executive board” consisting of 3-4 student representatives elected from each year's cohort. The inaugural executive board decided to select one student from each cohort-year as co-presidents. The students have established a peer mentoring program, planned student events, and given TEJD students a non-threatening channel to raise concerns or ask questions. The board also helps TEJD staff quickly recruit volunteers to speak at events and assist prospective students.

#### *H. SOME FEATURES TEJD INTENTIONALLY DOES NOT INCLUDE*

##### 1. TRANSFER STUDENTS

The faculty-approved TEJD proposal authorized the TEJD director to accept transfer students into TEJD, but this option has not yet been used. Transfer students miss the crucial pre-law school orientation; transfer students lose a full year of completing certificate requirements; and transfer students lack social bonds among TEJD cohorts solidified in the first year. At some point, it may be worth exploring a “TEJD-light” program for transfer students and 2L students who discover a passion for tech law in their first year.

## 2. SPECIFIC COURSES TO TAKE

TEJD requires students to take the ELC, but has no other required courses. By design, the certificate focuses on milestones, not courses.

## 3. SEGREGATED COHORTS

TEJD students are integrated into standard 1L sections rather than grouped into dedicated sections. While dedicated sections would undoubtedly strengthen the bonds among TEJD students, they would likely exacerbate factionalism and turf wars.<sup>50</sup> Also, if TEJD incoming students have higher numerical indicators than the overall law student population, grouping the TEJD students into sections would academically disadvantage them in curved courses.

## 4. PAPER REQUIREMENT

Employers like the PLC's paper publication requirement. However, TEJD students have plenty to do, so publication efforts are voluntary, not mandatory.

## 5. "HONORS"

Unlike the HTLC and PLC, TEJD does not offer a certificate "with honors." It would not make sense to award grade-based honors when TEJD emphasizes skill-building and deemphasizes grades/GPA. However, TEJD staff is currently evaluating mechanisms to create an "honors" option for non-grade achievements.

## 6. CODING AS A MILESTONE

During the research phase, some experts recommended teaching students to code software. At least one school has incorporated a coding course into its JD program.<sup>51</sup> Though such efforts are commendable, Silicon Valley employers often value an understanding of software/technology development processes more than first-hand code-writing experience.

### I. STUDENT ATTRITION

Some data on student attrition:

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50. TEJD cliquishness has been a concern in the community, especially among non-TEJD students who would value more advisory/mentor support and wonder why their peers apparently get more help for the same tuition.

51. See, e.g., <https://www.cp4l.org/>; See generally James Grimmelmann, *Programming Languages and Law: A Research Agenda*, CSLAW '22, November 1–2, 2022, Washington, DC, <http://james.grimmelmann.net/files/articles/programming-languages-law.pdf> (discussing how lawyers can benefit from understanding programming languages).

<b>Matriculation Year</b>	<b>Matriculated TEJD Students</b>	<b>Left SCU</b>	<b>Graduated Without TEJD</b>	<b>In Progress</b>	<b>Total TEJD Grads</b>
2018	15	3	2	-	10
2019	35	1	6	2	26
2020	44	4	-	40	-
2021	37	-	-	37	-

Reasons for attrition:

#### 1. ACADEMIC CONCERNS

Students may academically disqualify from the law school, or they may have sufficient concerns about meeting graduation requirements or passing the bar, when they cannot handle TEJD's additional workload.

#### 2. TRANSFERS OUT

1Ls with top law school GPAs sometimes transfer to other law schools, typically those with higher *U.S. News* rankings.

#### 3. OTHER ATTRITION

Students may leave the law school or TEJD for personal reasons, such as a medical condition or family obligations. Some students drop out of TEJD after they obtain their desired post-graduation employment option (such as a Biglaw offer after their 2L summer) and no longer see the value of TEJD's extra workload.<sup>52</sup>

### IV. FINAL THOUGHTS

Overall, TEJD has been a success for SCL and its students. On key metrics, TEJD has met or outperformed its expectations.

#### A. ADMISSIONS

TEJD has made SCL more competitive for students with higher incoming numerical indicators. This has also decreased the melt from admissions to matriculation.

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52. The many challenges created by the COVID-19 pandemic may have exacerbated attrition for the first two cohorts.

### B. ACADEMIC PERFORMANCE

TEJD requires students to do extra work beyond their required coursework, while not emphasizing course grades. Nevertheless, TEJD students have obtained higher GPAs than the overall class averages; and, for the first three cohorts, higher GPAs than their predicted GPAs based on LSAT scores.<sup>53</sup>

<b>Matriculation Year</b>	<b>TEJD Cohort GPA / LSAC-Predicted GPA / TEJD Lift</b>	<b>Entire Class GPA / TEJD Lift</b>
2018	3.45 / 3.12 / +0.33	3.30 / +0.15
2019	3.56 / 3.35 / +0.21	3.37 / +0.19
2020	3.25 / 3.17 / +0.08	3.23 / +0.02
2021	3.26 / 3.37 / -0.11 <sup>54</sup>	3.05 / +0.21

### C. EMPLOYMENT OUTCOMES

Early data suggests that TEJD students outperform their peers on employment outcomes. The first TEJD cohort had 100% employment in their 1L summer (most with paid jobs; the rest were externships). This is especially impressive given that some of those students had GPAs that would have limited their options without TEJD.<sup>55</sup> With respect to post-graduation employment, the first cohort of TEJD graduates<sup>56</sup> had 80% employment upon graduation (a 38% lift compared to the law school's overall rate) and 100% employment within 10 months of graduation<sup>57</sup> (an 18% lift compared to the law school's overall rate).<sup>58</sup>

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53. For TEJD students, time spent on professional development investments is not necessarily at the expense of academic performance.

54. Due to Santa Clara Law's strict 1L curve, GPAs rise in 2L- and 3L-years, as students take courses that are not curved or have less-strict curves.

55. Elisabeth Gillogly, *Q&A with Jessica "Jess" Miers JD '21*, SANTA CLARA LAW (May 28, 2021), <https://law.scu.edu/news/qa-with-jessica-jess-miers-jd-21/> (Jess Miers, a 2021 TEJD graduate who had a 1L summer job at Twitter and now works on Google's Government Affairs and Public Policy team, said: "I did not have the 1L grades to match the internships I landed throughout law school. Thanks to Tech Edge, my grades were the least interesting part of my overall sales pitch.")

56. The first TEJD cohort was only 10 graduates, and it may be difficult to replicate their outcomes with larger cohorts.

57. Nine students got law firm jobs (8 in Biglaw) and the other got a JD-advantage job at a major Internet company (Google).

58. *Employment Summary*, *supra* note 22 (according to Santa Clara Law's ABA employment statistics, in 2021, 22% of employed graduates were employed in business/industry (in-house), and 14% of employed graduates were in JD-Advantage positions).



*D. WHAT'S NEXT*

Due to its initial success, SCL is expanding the TEJD experiment. In February 2022, the law school approved a new “Public Interest JD” certificate, which follows the TEJD format but is adjusted for students pursuing a public interest or government job post-graduation. If that certificate succeeds, the law school may implement the TEJD model even more widely.

More generally, TEJD illustrates one possible roadmap for the future of legal education: where student progress is measured by skill acquisition rather than the completion of courses; where incoming students with a career plan can start their professional development earlier, and go further than other incoming students; and where students get individualized support for their professional development.