

SPRING 2012

Perspectives

WESTERN NEW ENGLAND UNIVERSITY SCHOOL OF LAW



Ready to Practice

How Western New England University Cultivates Practical Lawyering Skills

Yaw Gyebi, Deputy General Counsel of the Massachusetts Commission Against Discrimination with extern Josh Bochman 3L



“ In taking on an extern, you are contributing to their education in a significant way...

You are giving them an opportunity to see if they are truly interested in a particular area of law.”

Jim Turcotte '84

(L to R) Seth Garbarsky '01 and Jim Turcotte '84

Ready to Practice

On his first day of work as a Connecticut Assistant State's Attorney, Seth Garbarsky '01 was greeted with a docket of 200 motor vehicle cases. What might have felt overwhelming to many rookie prosecutors was familiar for Seth thanks to the litigation skills he honed during law school with two externships in the State's Attorney Office. "I was comfortable prosecuting those matters thanks to my experiences gained during my externship," Seth recalled.

Seth is one of the thousands of Western New England University alumni who have conducted hands-on experiential learning during their time at the School of Law. In fact, its nearly impossible to earn a degree without taking part in at least one externship, clinic, moot court team, simulation course, *pro bono* activity, or other opportunity offered by the School.

Seth was one of the many Western New England University students who have externed in the Connecticut Assistant State's Attorney's Office, often under the tutelage of Connecticut Supervising Assistant State's Attorney Jim Turcotte '84. "Over the course of 27 years, I have taken on externs from all over the country," said Jim. "Trust me, the fact that someone comes from a larger school doesn't mean that they are going to be a better extern or for that matter, attorney. I find that students from Western New England tend to be very practical and pragmatic. They have a lot of common sense and determination. They tend to work harder and don't come into the experience with a chip on their shoulder. Because of that, they tend to do better and get more out of the experience."

A Foundational Shift in Legal Education

During the 1999-2000 academic year, the Carnegie Foundation for the Advancement of Teaching conducted an extensive study of legal education by examining a cross section of 16 law schools. The report derived from this study, *Educating Lawyers: Preparation for the Profession of Law*, encouraged law schools to integrate the curriculum with more practical learning experiences so students can enhance lawyering skills and develop professionalism.

"One of the things the Carnegie Foundation found that law schools do well is teaching

law students analytical reasoning that stems from the casebook," said Associate Dean for Academic Affairs, Associate Professor of Law, and Director of the Legal Research and Writing Program Beth Cohen. "I think there is a reexamination of how to go beyond the casebook method to incorporate practical skills, more ethical considerations, professional development, and so forth in doctrinal classes. At our School, a number of faculty members incorporate writing assignments, oral arguments, or other types of hands-on learning into their classes. We have a wide array of classes that are designated as practical skills classes and qualified writing courses. And these are all in addition to our clinical offerings, externships, inter-law school moot court teams, and other experiential opportunities."

Students are demanding practical learning and the School of Law is providing the opportunities.

"In the past, the assumption was that law school taught students the necessary skills to succeed in the law and employers taught the graduates how to be a lawyer," said Paula Zimmer, Assistant Dean and Director of Career Services. "That hasn't been the case for many years. Most employers expect law grads to know how to practice law. The externships and other experiential opportunities our School of Law provides are essential."

Vast Externship Opportunities

As the only ABA accredited law school in Massachusetts outside of the greater Boston area, Western New England University students are afforded a wealth of externship opportunities not readily available to students in larger metropolitan areas. The Pioneer Valley is home to an active court system and legal community. State and federal courthouses; offices of the Attorney General, District Attorney, and Public Defender;

major corporations like MassMutual, Travelers, United Technologies, and Baystate Medical Center; and many small, medium, and large law firms in the Springfield/Hartford region provide sites for externships.

"Our students have a tremendous number of externship, clinic, and part-time opportunities," said Dean Zimmer, "The local legal community respects our School and our students—they help give our students opportunities to work in the law and conversely, our students provide them with valuable legal help."

Externships are a perfect way to get in the door at many employers and several of our students have launched their legal careers through these experiences, like Seth, who is still with the Connecticut Assistant State's Attorney's Office more than a decade after he externed there.

Concentrations

One of the newer curriculum offerings at the School of Law is our popular concentration programs. Students entering their second and third years can choose to concentrate their studies in seven specific practice areas, taking courses focused on building the skills needed for competent practice in these fields. Many of the concentrations also have clinical or externship requirements that get students out into the working world to build upon the knowledge they are learning in the classroom.

"We developed the concentrations over the past few years to give more cohesiveness to the upper level curriculum and to provide students with some direction," said Dean Cohen. Concentrations provide detailed course progressions so students know which classes to take to ready them for the rigors of practice in that area.

(Continued next page)



Cohen



Zimmer

Concentrations

- Business Law
- Criminal Law
- Estate Planning Law
- Gender and Sexual Studies
- International and Comparative Law
- Public Interest Law
- Real Estate Law



“My externship with the U.S. Attorney’s Office allowed me to see the routine and inner-workings of a government law office. I was also able to learn how attorneys communicate with witnesses, other government offices, and various defense counsel.”

Brittany Edgerley-Dallal 2L

Clinics

- Consumer Protection
- Criminal Law
- International Human Rights
- Legal Services
- Real Estate Practicum
- Small Business

National Champs!

Western New England has won four national team championships and earned three first place citations for individual efforts at competitions since 2007.

- **First Place, Transactional Lawyering Meet, 2011**
- **Best Brief (Petitioner), Rendigs National Products Liability Moot Court Competition, 2011**
- **Best Oralist, Rendigs National Products Liability Moot Court Competition, 2011**
- **First Place, ABA Law Student Tax Challenge, 2009**
- **Best Written Submission, ABA Law Student Tax Challenge, 2009**
- **First Place, Rendigs National Products Liability Moot Court Competition, 2009**
- **First Place, ABA Law Student Tax Challenge, 2007**

A Leader in Clinical Education

In the 1980s, the School of Law started its first two clinics, the Criminal Law Clinic and a Civil Law Clinic. The School showed a truly unprecedented commitment to these clinics by funding them through institutional money and staffing them with full-time, tenure-track faculty members while, at the time, most clinics at other law schools were run by young attorneys on one-year contracts and predominately funded with “soft money” government and foundation grants.

Western New England was also one of the first law schools in the nation to offer transactional law clinics. The Small Business Clinic (started in the late 1990s) and Real Estate Practicum (2003) offer students the opportunity to work on real client matters, under the supervision of a licensed attorney or faculty member.

“One of the things I liked about the School when I first was interviewing here was its commitment to practical education,” said Sam Stonefield, Professor of Law and Codirector of the Real Estate Practicum, who has been on the faculty for the better part of 30 years. “When Professor Bill Baker and I started the Real Estate Practicum, we thought it would provide a valuable experiential learning opportunity in a transactional context and it has been very successful. The students solve real legal problems and the practitioners who we work with really enjoy the mentoring.”

Professor Robert Stachen, Assistant Clinical Professor of Law and Director of the Small Business Clinic, is an emerging leader in legal scholarship on clinical educa-

tion. He says that law schools are going to have to focus more on clinical and practical components, because both students and employers demand it. “Firms are looking for associates ready to practice and provide value for their clients,” he said. “The Small Business Clinic gives students practical experience in analyzing the legal needs of entrepreneurs, providing sound legal and business advice, and drafting cogent documents to help their business get off the ground—skills that will help students become more marketable in a competitive job market.”

“From the Consumer Protection Clinic I gained invaluable experience interacting with clients and opposing counsel, analyzing the merits of each client’s case, and deciding the best strategy for the case,” said Christopher J. Visser ’09, Attorney with Bulkley, Richardson and Gelinas, LLP in Springfield. “It was a great opportunity to meet many local attorneys and judges. In my practice today, I appear in front of the same judges and have cases with many of the attorneys I met in the clinic. The clinic allowed me to develop a reputation and make contacts in the local legal community even before graduating from law school.”

And thanks to the School of Law’s small size and an intentional increase in clinical opportunities, clinical placements are available to virtually every student who applies.

Moot Court Teams—Besting the Competition, Year After Year

National championships are nothing new to School of Law moot court teams. Western New Eng-

land University has captured four inter-law school moot court competition national championships in the past five years. This past year was especially bountiful for our teams as the duo of Julie McKenna ’11 and Isaac Mass ’11 took top honors at the 2011 Transactional Law Meet while the trio of Chelsea Hollman 3L, Glenn Rooney 3L, and Leslie Bradshaw 3L earned the Best Brief and Best Oralist awards at the 2011 Rendigs National Products Liability Moot Court Competition, which Western New England won in 2009.

The School of Law also took first place in the ABA Law Student Tax Challenge in 2009 and 2007, and second place this year. James Murtha ’10, a Staff Attorney in the Division of Enforcement of the Securities & Exchange Commission in Washington, DC, was a member of that 2009 squad and credits his experience on the team with launching his career. “I think inter-law school moot court competitions are a critical component to a good legal education because they help you build practical legal skills under pressure,” he said. “Like the securities laws, the tax laws are a very complex body of law. Participating on the Tax Challenge Team required me to work closely with a partner to research and develop legal theories based on the facts we had available while drawing inferences on any information that was not provided—very similar to the work I do with my unit at the SEC.



James Murtha ’10

“Also, dealing with a cranky Professor Royal helped prepare me to deal with my sometimes cantankerous supervisors,” he jokingly added about the intangible benefits of the moot court team experience.

The School of Law sponsors 11 teams in total, including the ABA Negotiation Moot Court team, American Association for Justice Moot Court team, First Amendment Moot Court team, Frederick Douglass Moot Court team, Jessup International Law Moot Court team, National Moot Court team, National Trial team, and the Williams Institute Moot Court Team.

Educating Compassionate Practitioners—The New *Pro Bono* Requirement

During Law Convocation this past August, the traditional opening to the academic year, Dean Gaudio announced the implementation of a *pro bono* requirement for all students beginning in fall 2012. Students will have to complete 20 hours of *pro bono* legal service prior to graduation, while faculty members also committed to 20 hours of *pro bono* work each year. This requirement not only strengthens the School of Law's commitment to train students to be compassionate practitioners, but it also gives all students the opportunity to gain valuable professional legal experience and network with professionals in the legal community.

"One responsibility of our faculty and staff is to motivate and inspire our students in the traditions and principles of the legal profession. *Pro bono* service is one of these traditions," said Sam Charron, Assistant Director of Career Services and Public Interest Coordinator. "Students will participate in activities such as preparing tax returns for people who can't afford to have someone do their taxes for them. They'll help people with uncontested divorces. Students may assist the private bar to provide *pro bono* legal representation to clients who are filing for bankruptcy. We expect that students will do *pro bono* service in a range of practice areas. In every instance the students are going to get practical experience."

This new requirement builds upon the School's deep commitment to public service. Our Public Interest Scholars Program is lauded for providing generous scholarship support for students looking to practice in the public service field while dozens

"Cast aside the law books, because practical skills, common-sense, and the ability to relate to people are the paramount concerns. The Criminal Law Clinic is a challenging, but wholly worthwhile introduction to trial work."

Connor Fallon 3L



of students have provided free legal assistance during Alternative Spring Break trips to New Orleans, Mississippi, Texas, and Arizona.

Speaker Series

Hardly a day goes by at the Blake Law Center without a legal professional sharing his or her experience and insight with our student body. Judges, lawyers, academics, community leaders, government officials—hot button issues are discussed and an open dialogue encouraged as all opinions are represented thanks to the various School of Law organizations that sponsor these speakers.

Perhaps the most practical speakers come from the newest

series on the School of Law lineup. The Color of Law Roundtable, started in 2008 by Professors Sudha Setty and Dr. Bridgette Baldwin, brings attorneys of color, many of whom are alums, to the University to share their educational, career, and personal experiences with the School of Law community.

Mass tort litigator Alex Toribio of McCarter and English in Hartford was just one of the dozens of professionals to offer our students frank advice on how to prepare for the beginning of their careers. "You should look at law school as an overall picture of how you become a lawyer as opposed to what kind of lawyer you want to be," he said during his presentation in fall 2009.

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Speaker Series

- Clason Speaker Series
- Law and Business Center Advancing Entrepreneurship Speaker Series
- Color of Law Roundtable
- Institute for Legislative and Governmental Affairs
- Career Services Office
- Student club and organization speakers
- Center for Gender & Sexuality Studies



Students hone trial skills in the J. Gerard Pellegrini Moot Court Room.

Sink or Swim: Externs Learn Quickly Inside the Massachusetts Commission Against Discrimination

“My externship last fall gave me the opportunity to flex my wings in an area of law that I really never considered,” says Josh Bochman, a 3L student in the evening program.

Josh was part of a new wave of externs returning to a site that had been dormant for several years: the Western Mass. office of the Massachusetts Commission Against Discrimination (MCAD).

“Deputy General Counsel Yaw Gyebi was reopening the office as an official externship site,” recalls Josh. After testing the waters the previous summer, Deputy Gyebi was “looking for a strong group of externs—three or four from Western New England University,” says Josh.

If he wanted experience in practical lawyering, Josh soon learned he had come to the right place. Deputy Gyebi describes his approach as “tossing the externs into the lake to see if they can swim back.”

Josh was thrown in headfirst. “On day one, they dropped five or six cases on my desk and said, ‘Start calling these complainants and interview with them—and don’t worry—it will take at least three to four days for them to get back to you,’” says Josh.

The first claimant jumped at Josh’s offer to meet—the next day. Josh quickly realized as Attorney Gyebi is fond of saying, “He was in the belly of the beast at MCAD.”

Taking on cases where probable cause had already been found, Josh began interviewing claimants. Soon he was drafting demand letters and discovery motions, and negotiating settlement agreements with opposing counsel.

Josh relied heavily on his Legal Research and Writing course experience, but told Deputy Gyebi that improving his writing was one of his goals.

“Right from the beginning Josh’s writing was better than what he thought,” observes Gyebi. “Demand letters are where the writing comes in—big time. I saw his writing improve by leaps and bounds simply because he understood the issues.”

Like the other Western New England externs in the MCAD office, Josh sought to close as many cases as he could before the end of the semester or draft memos for future colleagues.

By his final big consultation, Josh says he found himself, “fighting for more and advocating for more” for his claimants. “At the end of that case, not only did I get the company involved to change their policy in Massachusetts, they changed their policy nationally in their employee handbook. That was a really big win to pose such a good argument to their general counsel, a person with 35 years of experience, that he felt making the change was in the best interests of his client.”

MCAD externs traveled with staff attorneys to Pittsfield, Worcester, and Boston where they learned how to treat claimants, colleagues, and opposing lawyers. “These students were really out there advocating,” states Gyebi. “These were their clients; these were their cases—along with all of the responsibility that comes with that. They appreciated that I wasn’t always looking over their shoulder and the level of trust I extended to them. During the school year you have other demands, especially night students like Josh.”

Gyebi’s no-nonsense advice to such students is this: “You took on this challenge to go to law school. You took on this challenge of a heavy academic load, plus you’ve got to work—so you’ve got to make it work. Your client doesn’t want to hear it, your boss doesn’t want to hear it, and your professors

at the law school don’t want to hear it. The only thing they need to know is that you’re going to get what they need you to do done, and I really stress that to all the students. It was a no-sympathy approach and each one of the students rose to the occasion.”

When asked what sets Western New England externs apart from other externs, Attorney Gyebi is quick to state, “Their level of professionalism is outstanding. It’s also their work ethic. For example, extern James Brislin was coming in on weekends. Security called me and said ‘We didn’t know your students worked weekends’ and I said, ‘That makes two of us.’”

He describes Western New England students as hungry and eager to learn. “They don’t take the attitude that ‘I’m a clerk or an intern and I’m going to write a couple of motions and get some writing samples to put into my portfolio. They’re chasing the tide down and going at it, which I think is going to serve them quite well.”

Deputy Gyebi says he knows his students have been transformed by their externship experience when they begin “advocating and thinking out-of-the-box to best represent their claimants. Yet they understand that their ultimate client is the Commonwealth of Massachusetts.”

In the case of Josh Bochman, he observed a growing ability to manipulate IRAC. “I saw tremendous analytical skill by the time Josh’s externship was over,” says Gyebi. “I really thought, to use a common phrase, ‘he was lawyering;’ he was thinking like a lawyer.” ♦

If you are interested in helping our students gain legal experience through externship opportunities, *pro bono* work, as a speaker at the School of Law, or any other way, please contact Marie Fletcher at 413-782-1469 or marie.fletcher@law.wne.edu.



Deputy General Counsel Yaw Gyebi (center) meets with externs Adam Nord 2L (left) and Josh Bochman 3L (right).