



1 of 1 DOCUMENT

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Law schools ponder practical changes to traditional curriculum

BYLINE: MARIE P. GRADY, Special to the connecticut law tribune

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It's a Tuesday night and Joan Emmet is waiting to walk into the real world.

Once the door to attorney Anthony R. Minchella's classroom opens, she and a dozen other Quinnipiac University School of Law students will get some grounding in what it would take to run their own firms. "I've got an eye toward going into solo practice. I thought this would be a real practical course and it's proven to be so," said Emmett.

While skills classes like this one are nothing new at law schools, critics are wondering aloud whether there are enough of them at a time when employers are hiring fewer graduates and demanding more of them. Law schools have traditionally thrived on a low-budget classroom model that has a professor teaching theory to 50 or more students.

The latest complaints, fueled by a 2004 study known as the Carnegie report, were crystallized in a recent New York Times story that questioned whether law schools are actually teaching lawyering.

The Times report prompted a full-page response in the Law Tribune by Quinnipiac Dean Brad Saxton, who cited numerous examples of skills offerings at his and other schools, including 300 Quinnipiac externship opportunities that help students to learn on the job.

At the University of Connecticut School of Law, a curriculum review is under way that could result in additional skills courses. At Western New England University School of Law, students will soon be required to do pro bono service, an initiative that will likely benefit the community and boost skills training at the same time. Yale University School of Law administrators declined comment late last week, but the school is known nationally for legal clinics that offer hands-on training, which some students participate in as early as their first year.

Paul Chill, chair of UConn's curricular review committee, said his school is undertaking an extensive self-examination.

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"We are taking a comprehensive look at our curriculum and trying to figure out what can be done, what should be done, what must be done to improve the way our curriculum delivers needed training to law students," he said.

Chill is a longtime instructor of clinical courses. Even though UConn was recently ranked sixth nationally for student clinical opportunities by the National Jurist, a legal education publication, he said there is always room for improvement.

"My own view is that the problems with legal education are not new; they're quite old," Chill said. "What's happening now is that changes outside the law school are making changes that should have occurred a long time ago inevitable at this point."

Those changes include an economy that has hemorrhaged more than 40,000 law jobs since the recession began in 2008, forcing an increasing number of young law grads to hang out a shingle. At the same time, law schools are being pushed by the American Bar Association and congressional critics to provide more specific data on job prospects.

Massachusetts Bar Association President Richard P. Campbell recently called for a law school task force to study, among other things, how well schools are preparing students in his state. One proposal, for example, would have students getting limited licenses to practice after their first year while requiring an extended apprenticeship even before graduation.

The MBA president also questions the wisdom of the current bar exam model, which forces students to pay for expensive prep courses for an exam that tests them on core subjects learned two years earlier.

No Quick Fix

Keith Braddoc "Brad" Gallant, president of the Connecticut Bar Association, is not ready to call for a similar task force here.

"Ultimately, we all know that the solution to the crisis in employment of new lawyers is not going to be fixed by the law schools providing more hands-on training and more mentoring programs; it's going to be fixed by there being more jobs for lawyers," he said.

In the meantime, though, he said the CBA is expanding a mentoring program for newly minted lawyers to make it statewide. The group is also considering whether to endorse a requirement that recent grads take a basic skills course. "We feel one way to help [new lawyers] and to help the public is to offer these mentoring programs," Gallant said.

As for the idea that the United States should move toward a law apprenticeship model - which requires a certain number of years of practical training before a person can practice law on his own - Gallant has some experience in that area. He received legal training in England and did an apprenticeship there.

However, he said a de facto apprenticeship program exists here at firms that offer students summer jobs or provide training after hiring new graduates. The trouble, though, is that fewer and fewer firms are offering summer programs and more and more are foregoing new graduates to hire those who have a few years of experience under their belts, according to a recent Law Tribune survey.

For its part, the ABA is looking at best skills teaching practices nationwide. Eric J. Gouvin, a Western New England University law professor, chairs an ABA committee on adjunct faculty and skills training that recently surveyed 116 ABA-accredited schools.

He said innovative practices range from seminars in which practicing lawyers teach students to apply what they are learning in traditional classes, to team-teaching approaches in which a practicing lawyer offers a hands-on approach to theory imparted by professors.

"It has been a persistent criticism that law schools don't do a very good job of teaching students how to do what lawyers do," said Gouvin. "There's really a trend lately toward experiential learning as a way to remedy the shortcomings of the traditional curriculum."

Expensive Proposition

At UConn, Chill said his curriculum committee is studying models nationwide; in one of them, the last year of law school is dedicated exclusively to skills training. Other schools have added modules to traditional theoretical courses under which, for example, a student in a first-year contracts class learns how to actually draft a contract.

Still others, including Yale, offer practical companion courses. In Yale's business law program, for instance, students can take financial accounting and finance courses.

If schools do change their teaching models it may be an expensive proposition. "The more experiential learning you do the lower your teacher-to-student ratio has to be," Chill said. Experiential courses also require bringing in working lawyers and paying them an acceptable rate.

Like Western New England's Gouvin, Chill said there has been some resistance to changing the traditional model, in which a professor teaches theory via case law. "There's been some reluctance traditionally to move in this direction. [Some believe] training people in lawyering skills is somehow mundane work, cookbook kind of stuff," Chill said. "Nothing could be further from the truth. There is nothing intellectually richer than putting students into the shoes of practicing lawyers."

One Yale student said the value of experiential learning can't be overestimated.

"I have been consistently amazed by the opportunities available to me through Yale Law School's clinical program. For the past two semesters, I have worked in the Veterans Legal Services Clinic (one of many clinics at the law school) and have had several incredible experiences doing substantive, interesting legal work," said Laura Keay via email. "Clinics are really a win-win situation - clients get the help they need, and students acquire valuable legal skills for the future."

Practical courses can also sometimes save students from costly mistakes down the road. At Quinnipiac law school, students in attorney Minchella's class were not exactly eager to hang out a shingle after he gave them a feel for what's involved.

He tells them they need six months to a year's worth of cash set aside to help pay bills while they get the business going. "Unless you're going into practice with cash going in, it's going to be difficult," said Minchella.

After figuring in student loan payback, student Amanda DeMatteis, 25, wondered aloud, "How are you possibly going to make that work?"

For Emmet, a 59-year-old academic librarian, law school is the realization of a dream delayed by raising children and other pursuits. She said she will probably not open a practice right out of law school, but has a "good road map" provided by Minchella's class.

Other students already had jobs waiting for them in family practices but were looking for new ideas. Kyle O'Hearn, of Norwich, was taking the course to prepare himself to take over his 81-year-old grandfather's law business. Fellow student Kara Summa works with her father and his partner at Summa & Ryan P.C. in Waterbury and has already brought several of Minchella's ideas back to the firm.

O'Hearn may have inadvertently summed up what is at the heart of the self-reflection occurring among law school administrators these days. After all, the legal landscape is shifting before their very eyes.

"I tried to take a lot of practical stuff," he said, adding, "I wish there was more."

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