

30 Day Free Trial

National News

Washington News



NLJ Home > News > Reality's knocking

font size: [+](#) [-](#) Print Share Email Comment Reprints & Permissions

LAW SCHOOLS

Reality's knocking

The recession is forcing schools to bow to reality.

Karen Sloan

September 7, 2009

Washington and Lee University School of Law has thrown out its traditional third-year curriculum and replaced it with a series of legal simulations meant to prepare students to practice law in the real world.

First-year students at Duke Law School and the new University of California, Irvine School of Law will take a yearlong course examining different legal careers and the ethical and professional issues associated with those career tracks.

A new LL.M. program at the University of California at Los Angeles School of Law is designed to give recent law school graduates the skills their predecessors would have developed as starting law firm associates.

The movement to incorporate practical skills into legal education isn't new, but legal educators and researchers report that the floundering economy is increasing incentives for law schools to revamp their curricula to prepare students for the realities of the legal profession.

"A lot of the changes are in response to the marketplace," said David Van Zandt, dean of Northwestern University School of Law. "Students are concerned about getting jobs, and everybody wants to be relevant."

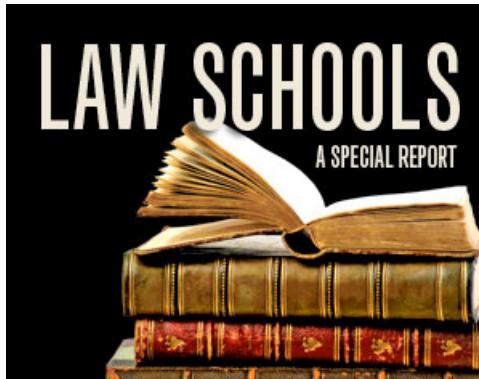
Graduates face stiff competition for law firm positions, and clients are balking at footing the bill to train new attorneys. Consequently, law school leaders consider it more important than ever to send students into the profession armed with practical skills, not just extensive knowledge of case law and legal theory. More law schools are modifying coursework and adding practical classes to help students develop the skills past graduates have had the luxury of learning on the job. In that vein, a growing number of law schools are emphasizing teamwork, leadership, professional judgment and the ability to view issues from the clients' perspective.

"I think we are at a moment of historical change across the landscape of legal education," said Washington and Lee Dean Rodney A. Smolla. "When we look back at this period in five to 10 years, we will mark it as the time when the whole mission of law schools made a fundamental turn."

THE CARNEGIE AND MACCRATE REPORTS

Judith Welch Wegner, a professor and former dean of the University of North Carolina School of Law, isn't ready to declare a revolution in legal education. But she is heartened by the heightened willingness of law school leaders to ask whether their curricula meet students' needs. Wegner was one of the authors of *Educating Lawyers: Preparation for the Profession of Law*, the influential 2007 report by the Carnegie Foundation for the Advancement of Teaching. The document is credited with pushing some law schools to rethink their curricula.

The Carnegie report concluded that law schools don't do a good enough job of helping students develop professional competence and identity. It called for a more integrated curriculum that marries the traditional analytical course offerings with practical training that gives students a better understanding of what its like to practice law. The Carnegie study followed a 1992 report by an American Bar Association task force led by former ABA President Robert MacCrate, which faulted law schools for not providing students with enough practical skills.



Duke Law School dean David Levi  
Image: Jason Doiy



UCLA School of Law's Michael Schill

FREE DAILY NEWSLETTERS from NLJ with news from Legal Times [Sign up](#)

RELATED LINKS

The recession makes externships a sweeter deal for students

International law takes center stage in legal education

MORE NEWS HEADLINES

Olson urged justices to throw out precedent [More News](#)

Video game developers ignore patents at their peril [More In Focus](#)

Will Iqbal case play a role in forum selection? [More Columns](#)

Victim's widow wants protected witness to pay [More Washington News](#)

Advertisement



WHAT IS THE JAPANESE WORD FOR RAW FISH?

- A) SUSHI      B) SASHIMI
- C) SESAME    D) SOSUMI

The answer may surprise you.



CORPORATE counsel



The Inside Stories for Inside Counsel

Start Your Free Subscription

An ALM Publication

Even before the Carnegie report revived questions about the effectiveness of traditional law school curricula, many schools had already taken steps to boost practical and professional training. They invested in clinical programs and externships and encouraged students to obtain joint degrees or specialize in certain legal areas to boost their marketability. Optional add-on courses, such as legal simulations tied to traditional theory-based instruction, have also become more widespread.

However, the confluence of the Carnegie report and the harsh economy has built momentum for change.

"I do see more and more emphasis on curriculum than I've ever seen before," said Bill Henderson, a professor at Indiana University Maurer School of Law – Bloomington. "Almost every [legal education] program I've gone to in the last three years has focused on curriculum improvement. In order to justify their high tuition, schools need to speak to the labor market."

The legal labor market is saying that it's no longer willing to pay top dollar to recent graduates who lack work experience. Law firms including Washington's Howrey and Philadelphia's Drinker Biddle & Reath recently announced apprenticeship programs wherein starting associates earn less and spend a significant amount of time training and shadowing partners.

Law school deans are getting the message that firms want students who know more than just how to think like lawyers.

"My hope for our graduates is that we do a good enough job training them that they can earn their keep at a law firm," said Duke Dean David Levi, who has been working to better integrate theory and practical skills at Duke.

Washington and Lee's curriculum overhaul is also a bid to make graduates more attractive to employers. "When lawyers and judges describe the competencies they wish young attorneys had more of, they never say, 'I wish they knew more legal doctrine,' " said Washington and Lee's Smolla. "They always say, 'I wish they had more business judgment. I wish they could write better.' "

Instead of traditional classroom courses, 3Ls at Washington and Lee go through four lengthy simulations intended to approximate real-world legal problems. Students are assigned a fictitious client and a case file and work through the legal issues during a period of weeks while keeping billable hours, arguing motions and submitting briefs. At least one of those cases must involve working with a real client.

### **THE BOLDEST MOVE**

Several legal educators view Washington and Lee's approach as the boldest move in legal curriculum reform in recent years. The progress and outcomes of the new program are being closely watched within the law school community, they said.

The new curriculum is optional for current 3Ls, and the school initially estimated that fewer than half the existing class would opt in. In fact, two-thirds of the class signed on.

"I suspect that a lot of students found this program particularly attractive when they saw the job climate right now," Smolla said.

The University of California at Los Angeles' new Transition to Practice LL.M. also is squarely focused on real-world lawyering skills. UCLA unveiled the program last spring, as a number of law firms announced deferrals for their incoming associate classes. In addition to helping students secure externships in corporate legal departments, the school is adding a Chapter 11 bankruptcy clinic and a course on the practical aspects of being an attorney.

A new intellectual property clinic, dubbed Counseling Emerging Technologies and Enterprises, will be jointly taught by the law school and the business school. Business and law students will collaborate in helping technology entrepreneurs affiliated with the university develop business plans that take into account intellectual property laws. Those enterprises, it is hoped, may be spun off to a UCLA program that helps launch startup businesses.

"The idea is to get students thinking about the legal issues and the needs of clients," said UCLA Law Dean Michael Schill. "It also teaches them business skills, and it teaches them the financial motivation of clients as well as how to work in teams."

A number of schools are introducing courses on what it means to be a lawyer and how areas of law differ — something the Carnegie report concluded law schools do poorly.

The U.C.-Irvine School of Law requires all 1Ls to take a yearlong course called The Legal Profession that will meld traditional professional responsibility coursework with instruction about different practice settings, the role lawyers play and the major issues facing the legal profession. The course will include a series of panel discussions at which practicing attorneys will talk about everything from criminal defense and prosecution to working in a solo practice, large law firm or in-house setting.

"There's interest in teaching about the legal profession and professional responsibility in new ways, and I think people are exploring new approaches," said professor Ann Southworth, who is teaching the course with her colleague Catherine Fisk. "Part of the idea of making this a first-year course is that students can use systematic information about the profession they are entering. They can use it to figure out what they want to do. That shouldn't just be left to the career office."

Duke Law School is adding a yearlong 1L course dubbed the Dean's Lecture Series, co-taught by Levi. The course will bring in a wide array of attorneys to discuss their practices and professional values plus business issues and innovation in the profession.

"We're trying to get students from the very beginning to think about what type of career they want," Levi said. "A few years ago, there was kind of a magic carpet [in the legal job market] and it was easy to get on that carpet without a lot of reflection."

Last spring, Indiana University Maurer School of Law – Bloomington debuted its legal profession course for 1Ls.

Approximately 30 practicing attorneys were invited to discuss different practice environments and office politics, among other practical professional matters.

"It's kind of like a four-credit meditation on your future values and career," said Henderson, who teaches the course. "My students were skeptical because it was so different from all their other classes. We got a fair amount of pushback, but we're trying to address the needs sketched out in the Carnegie report."

Washington and Lee also has added a legal profession course to its new 3L curriculum this year.

#### 'A MIXED BAG'

Although the law school curriculum reform movement is gaining steam, legal educators said, progress is piecemeal and not comprehensive.

"It's a mixed bag," said Roy Stuckey, a retired professor from the University of South Carolina School of Law and author of the Clinical Legal Education Association's 2007 report, *Best Practices for Legal Education*. "Some schools are wholeheartedly addressing change, and there are some schools that don't seem to be paying attention."

It's difficult to get a true sense of the extent of curriculum reform, Stuckey said, because some schools claim that they are making significant changes when, in fact, the changes are relatively minor. However, it's clear that more schools than ever are seeking ways to be more relevant, he said.

Northwestern Dean Van Zandt said that law schools should go beyond simply adding skills-based courses and focus on what employers are truly seeking.

Last year, Northwestern hired an outside consultant to survey law firm leaders, in-house counsel and government attorneys about the competencies they look for when hiring. The list included project management ability, teamwork and a basic understanding of accounting, business practices and globalization.

With those findings in hand, the school developed the curriculum for the accelerated two-year J.D. program that it launched in May. Students are required to take a strategy course taught by faculty from the business school plus a qualitative analysis course. Another mandatory course focuses on organizational behavior and the psychology of decision-making.

If these new, competency-based courses prove successful, they will be integrated into the traditional, three-year J.D. curriculum, Van Zandt said.

"The goal is to produce people employers and clients recognize as being different from graduates of other top law schools," he said. "If you know nothing else about a candidate, you will know they have these competencies and will be strong interpersonally and will understand business."

The true test of whether curriculum reform will spread will be the employers' reactions, legal educators said.

"If employers report back that they are hiring more of a school's graduates because they are better prepared, that will be a driver for more change," Stuckey said.

Adding more practical coursework won't necessarily translate into better job opportunities for students, Henderson said, but many people will scrutinize the reaction to Washington and Lee's revamped 3L curriculum.

"There has to be some institutional payoff," he said.

Lisa Kloppenberg, Dean of the University of Dayton School of Law, said that curriculum reform has been a positive thing for the school and its students. Dayton is credited with being among the first to undergo a serious curriculum revamp. In 2005, it launched its "Lawyer as Problem Solver" curriculum, which requires every student to take a course in alternative dispute resolution, an externship and at least one clinical or capstone course based on a real practice simulation.

Statistics for the class of 2008 — the first to complete the new curriculum — showed that placement improved by 2% in a year when average placement figures fell slightly at law schools nationwide.

"The students are really beginning to see it pay off in their practical and marketable skills," Kloppenberg said. "It's not enough to learn the substance of the law. In the real world you have three or four areas of law intersecting and you're dealing with people and complications."

Contact Karen Sloan at [karen.sloan@incisivemedia.com](mailto:karen.sloan@incisivemedia.com).

[Subscribe to The National Law Journal](#)

#### MOST POPULAR HEADLINES

---

1. **Chicago firm sues client over \$747,500 in fees**
2. **Bad behavior by judge reverses asylum ruling**
3. **Dismissal in early test of Twitter libel liability**
4. **General Dynamics' longtime GC talks about his return to private practice**
5. **Small Illinois law firms reap \$16M in United Airlines case**
6. **LLMs in entrepreneurial law reflect shifting view of profession's role**
7. **Reed Smith joins fray in work-product debate before high court**
8. **Supreme Court overturns corporate campaign spending ban**

9. Olson urged justices to throw out precedent

10. Bimbo Bakeries seeks limits on its departing muffin man

[terms & conditions](#) | [privacy](#) | [advertise](#) | [about NLJ.com](#) | [contact us](#) | [subscribe](#)

[About ALM](#) | [About Law.com](#) | [Customer Support](#) | [Reprints](#)  
Copyright 2010. ALM Media Properties, LLC. All rights reserved.



[Close \[ X \]](#)