

What Do You Wish You Had Learned in Law School?



By Adam J. Sheppard

Does law school prepare students for the actual practice of law? Not really...at least according to multiple studies and comments from young lawyers. Fortunately, law schools and others in the Chicago legal community are attempting to remedy the problem.

Studies Suggest the Need for a More Practical Curriculum

Two of the most well known studies are the “MacCrane Report” of 1992 and the Carnegie Foundation study of 2007. The “MacCrane Report” was compiled by an ABA Task Force on Law Schools and the Profession, chaired by Robert MacCrane, and

its purpose was to “stud[y] and improv[e] the process by which new members of the profession prepared for the practice of law.” See *Legal Education and Professional Development—An Educational Continuum, Report of the Task Force on Law Schools and the Profession: Narrowing the Gap*, ABA Section of Legal Education and Admissions to the Bar, 1 (1992). The 400-plus page report concluded that law schools were not doing enough to integrate practice-oriented instruction into their curriculums. The MacCrane Report recommended mandatory externships and participation in *pro bono* clinics for all new lawyers.

Similarly, the Carnegie Foundation Report of 2007—based on the findings of a research team from the Carnegie

Foundation that studied 16 law schools in the United States and Canada over two academic semesters—concluded that “[l]aw schools face an increasingly urgent need to bridge the gap between analytical and practical knowledge, and a demand for more robust professional integrity.” http://www.carnegiefoundation.org/sites/default/files/publications/elibrary_pdf_632.pdf (Summary of William M. Sullivan, Anne Colby, Judith Welch Wegner, Lloyd Bond & Lee S. Shulman, *Educating Lawyers: Preparation for the Profession of Law* (Jossey-Bass 2007)).

What Do Young Lawyers Think?

The *YLS Journal* editors asked members of the Young Lawyers Section Executive Council what they wish they had learned

in law school. Some of their answers follow:

"I wish law school taught me some basic business knowledge. Law firms have the same issues to deal with as any other business (operations, marketing, etc). Unless a lawyer had a business undergraduate degree or experience running a business prior to law school, most law graduates are unprepared for running their own business or being part of a larger business." *Patrick Markey, Law Offices of Patrick Markey, P.C., Chicago-Kent College of Law.*

"Besides finding out at the end of law school that the law student Bar Bri representatives received a free Bar preparation course, I wish I was taught more about the type of information sought in the bar examination ... to have to learn all of that material in one summer really made me feel like my life was on hold until the end of July." *Natacha von Will, Associate at Segal McCambridge Singer & Mahoney, Case Western Reserve University School of Law.*

"Putting aside the third year of law school, when, after running out of substantive topics to lecture the students about, most law schools subject the students to "electives" that seem more like indoctrination, what I truly wish I had learned in law school was that the practice of law only occurs when one has a client to represent." *Donald Patrick Eckler, Pretzel & Stouffer, University of Florida, Levin College of Law.*

"I wish I had learned more about the practical aspects of litigation. I entered the practice with so many basic questions. How do attorneys spend their days? How and where do I file a pleading? How do I draft an order? What do I do and say when I appear in court? How do I serve a defendant? How do I draft a motion to dismiss and when? I think law schools in Chicago do a fairly good job of providing students with opportunities for internships and practical experience. This is crucial to prepare students to hit the ground running in a competitive job market." *Rebekah Rashidfarokhi, Chicago Volunteer Legal Services (CVLS), The University of Georgia School of Law.*

"I graduated before the economic downturn, but like most of my peers, I did not go through on-campus interviewing. Although I did not expect the law school

to place lawyers in firms, I do wish that the law school better prepared the other eighty percent of us for how to find our first job." *Jason Gordon, Winston & Strawn LLP, Chicago-Kent College of Law.*

Remedying the Problem

Chicago law schools are attempting to address the need for a more practice-oriented curriculum. For example, Chicago-Kent College of Law reports, "[a] distinguishing characteristic of life at Chicago-Kent is our emphasis not only on rigorous scholarship but on rigorous skills training and experiential learning in fields of law directly related to your career goals." <http://www.kentlaw.edu/academics/practicalskills> (last visited August 5, 2011).

Northwestern University Law School published a "2008 Plan" which researched the types of careers that its graduates are likely to pursue and the competencies they need to be successful in those careers. <http://www.law.northwestern.edu/difference/documents/Plan2008ExecSummary.pdf> (last visited August 5, 2011). A bullet point of the plan was "providing enhanced learning opportunities and [an] improved pedagogy" which "[b]etter integrat[ed] concrete, real world examples into abstract courses to assist in student learning and give increased exposure to the practice of law."

The Illinois Supreme Court Commission on Professionalism has also implemented transition education programs directed to new graduates. In June 2011, Chief Justice Kilbride announced the creation of a mentoring program for newly admitted attorneys. According to the press release, "the announcement is part of a statewide initiative by the Commission on Professionalism to urge attorney groups, law schools and individual lawyers to take an active hand in ensuring that new attorneys get practical professional guidance after the rigors of law school." http://www.state.il.us/court/media/PressRel/2011/061311_2.pdf (last visited August 4, 2011)

The press release acknowledged that "[r]ecent law school graduates generally receive limited practical and clinical experience while in law school, and the months leading up to their admission to the bar are spent

in extensive preparation for the two-day bar exam, which consists of essay and multiple choice questions with no gauge of clinical or practical experience." Pursuant to Supreme Court Rule 795(d)(12), a mentor and a new lawyer may each receive professional responsibility CLE credit upon successful completion of a pre-approved mentoring program.

Bar associations in Illinois are also devoted to fostering the professional development of new graduates and law students. For example, the Chicago Bar Association Young Lawyers Section has over 25 committees specifically geared for the new attorney or law students, including the Career Assistance Committee and the Law School Committee.

Conclusion

Studies recommend, and young lawyers seem to agree, that law schools should integrate a more practice-oriented curriculum. Chicago law schools and professional organizations have apparently taken notice, and are offering students and new graduates opportunities to help bridge the gap from law school to the actual practice of law.

It is incumbent on law students and young lawyers to proactively seek out such experiential learning programs. As Supreme Court Justice Joseph Story wrote, "[the law] is a jealous mistress, and requires a long and constant courtship. It is not to be won by trifling favors, but by lavish homage." J. Story, *The Value and Importance of Legal Studies, In The Miscellaneous Writings of Joseph Story* 503, 523 (W. Story ed. 1972). ■

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