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Embracing Change

N.Y. STATE CONSIDERS REFORMS IN LEGAL EDUCATION

UB Law's New Curriculum leads the way

Judge Judith Kaye initiated a project last year to consider the implications of the MacCrate Report in New York State. The Chief Judge established the Professional Education Project and appointed a committee drawn from the bench, the practicing bar, and law schools throughout the state. The committee will release its report later this year, according to UB Law Professor Peter R. Pitegoff, a member of the committee.

This Project and similar initiatives in other states are responses to a 1992 report by an American Bar Association task force chaired by Robert MacCrate, a partner at the law firm of Sullivan and Cromwell, in New York City. The ABA report, entitled "Legal Education and Professional Development — An Educational Continuum," concluded that many lawyers are ill prepared in certain fundamental lawyering skills and values. The "MacCrate Report," as it has come to be known, recommended greater coordination between law schools and the bar, and called for more attention to an explicit list of lawyering skills and professional values.

The ABA report has generated a vigorous debate over the past few years, in both the academy and the organized bar. In the wake of the report, a number of state bar associations have bolstered continuing legal education programs and have established mandatory continuing education for practicing attorneys. Some law schools have moved explicitly to increase and document the skills and values content in their curricular programs.

Predictably, the MacCrate report did not receive a warm welcome in the academy. A major concern among law school deans is the potential cost of adding labor-intensive skills training to the curriculum. Another con-

cern, suggests Pitegoff, is that it defines "skills" without adequate reference to the broad and varied context in which lawyers practice and law students learn. It implies a dichotomy between skills and knowledge rather than a more organic blend of practice perspectives into various parts of the law school curriculum.

"The debate has been healthy, nonetheless," Pitegoff maintains. "To its credit, the MacCrate Report has strengthened the case for law school clinical programs to venture out of the shallows and deeper into the core curriculum. And, the ensuing dialogue has revealed a wide range of law school innovations that integrate theory and practice."

UB Law School remains ahead of the curve. The New Curriculum at UB, although not a direct reaction to the MacCrate Report, is a response to changes in the legal profession and an attempt to better equip students for the practice of law. It was triggered in part by a widespread feeling among faculty of the overdue need for systematic reexamination of the curriculum, and by the need to develop new strategies in an increasingly bleak financial picture. The result is a program built around what law schools do best — enabling students to gain an analytical foundation for problem-solving in the broadest sense. UB's curricular approach has resonated quite positively among the primary drafters of the MacCrate Report.

Launched in fall 1995, UB's New Curriculum will evolve over the next several years in a way that places analytical skills development in a range of practical contexts and that teaches students how to learn on their own at a high level of sophistication. Concentrations, for example, will be available in particular areas of study or practice, including designated courses, qualifying exams, and colloquium seminars for each concentration. More in-depth study in a particular area, rather than taking a series of introductory courses, will encourage students to move to a higher level of proficiency, analysis, and problem-solving.

Many of the concentrations will include a clinical or simulated practice component as part of the required sequence. Students will build portfolios of writing samples and videotaped oral presentations that demonstrate a range of professional skills. Directed individual study will help students develop the capacity to learn a legal area on their own, practicing attorneys will be more fully

BUILDING NEW BRIDGES TO PRACTICE

engaged in the educational process, and research institutes or clusters will encourage collaborative problem-solving and study.

The Professional Education Project report to Judge Kaye will highlight UB's New Curriculum along with selected innovations at other law schools. It also is likely to include recommendations with respect to continuing legal education, transitional programs for new attorneys, and modest changes in the Bar Exam and admission process. The Report will encourage greater collaboration between law schools and the practicing bar, as well as adequate attention to practice skills and values in law school curricula.

Judge Joseph Sullivan (Appellate Division, First Department) is chair of the Professional Education Project, and the Final Report thus will be referred to as the "Sullivan Committee Report." Haywood Burns of CUNY Law School and Helaine Barnett of the Legal Aid Society in New York City are vice-chairs. Law school members of the Project, in addition to Professor Pitegoff of UB Law, include Professors Curtis Berger and Conrad Johnson of Columbia, Dean Rudolph Hasl of St. Johns, and Professor Randy Hertz of New York University. The committee also includes representatives from the Board of Bar Examiners, experts in continuing legal education, state court judges, and leaders of state and regional bar associations in New York, including Robert MacCrate.

Professor Pitegoff anticipates that the Sullivan Committee Report will be "diplomatic in presentation, with modest recommendations." Among its strengths, says Pitegoff, is that "the Report documents an impressive array of innovative law school programs and continuing legal education opportunities. And, it will help fuel the engine for constructive change in New York's legal profession." ♦

University at Buffalo Law School students are among the first in the nation to benefit from an innovative series of "bridge" courses that emphasize practical knowledge and information to enhance their skills.

The intensive bridge courses are part of the enriched New Curriculum that is now being implemented to better prepare graduates to "cross over" from classroom learning to actual law practice. Students are able to select from an extensive menu of concentrated courses in practice skills, technology and professional issues.

R. Nils Olsen Jr., Vice Dean for Academic Affairs, says the practice-oriented courses were specifically designed to be taken in a three-week period between semesters. The first series was offered in January and February.

First-year law students are required to take one mandatory course from among choices including:

- Counseling
- Mass Tort Litigation
- The Lawyer's Role in Negotiation
- Advocacy for Reform
- Disability Issues
- Regulating Pollution
- Products and the Law
- Real Estate Financing Transactions

Upper division students may select elective bridge courses from among 14 "hot" topics, including:

- Advanced Computers - students learn to use the Internet as an information source, as well as the legal application of hypertext programs, and CPM for lawsuit scheduling.

- Advanced Contracts: Technical Licensing - students analyze recent cases and review rights under patent trademark, copyright, trade secret law and limits to con-