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University at Buffalo Law School: THE NEW CURRICULUM

BY JOHN HENRY SCHLEGEL

Law has evolved through centuries of change, and it will always continue to change. Understanding the process of change and learning to adapt to it is an important part of a legal education. To this end, the University at Buffalo Law School—the State University of New York system's only law school—has redesigned its program to produce graduates who will thrive throughout their careers in a world where law continually evolves. This is the heart of our new, enriched curriculum, which we began to implement in fall 1995.

We believe that it is not enough for reflective individuals trained in the law to focus only on legal rules, for the rules of law cannot be understood apart from the human activities they facilitate or regulate, nor from the historical, social, economic, and political setting in which they exist. Legal education at UB thus focuses upon the “practices of lawyers,” the complex mix of the routine and the not-so-routine work of lawyers within government, business, private associations, and non-profit organizations.

Rules, activities, and social context—each represents a crucial component of the practices of lawyers, and UB Law's new curriculum focuses upon them and their interrelationships. This understanding also allows students to adapt to the changes that will inevitably arise in their careers, as well as in society.

The traditional law school program stresses clear analytical thinking through analysis of cases and statutes. At UB Law, our new curriculum augments this activity by teaching students not only how to think like lawyers but also how to work like lawyers. From the start, students are exposed to what law-trained individuals do. They write a great deal, because mastery of language is crucial to success in law. They learn the perspectives from which and the contexts in which lawyers work. They put it all together by exploring the practices of lawyers as they counsel clients, find facts, negotiate, plan and execute legal strategies, and seek change through courts and legislatures.

Large classes are being replaced by smaller classes. Faculty members guide student learning outside the classroom, as well as teaching within it. Students do much more than participate in classes and pass examinations; they gain from the experience of doing legal work, as well. By the time they graduate, UB students are broadly educated in the law and equipped to deal with the rapidly changing professional and social environment.

To facilitate the new curriculum, the Law School has developed a flexible calendar. The school year is divided

into seven four-week blocks. The first three blocks and the last three blocks are each twelve weeks long and are our standard semesters. The fourth block, which encompasses most of January, is used for intensive courses, such as the “bridge” courses. Courses that are shorter than semester-length are also offered in one or more of the blocks that make up the standard semesters. The Law School's flexible calendar allows courses of varying lengths to be scheduled accordingly. For example, skills and simulation courses can be taught intensively over a four- or eight-week session. Likewise, practitioners, government officials, visiting faculty, and others can teach courses in their areas of expertise at times that are convenient for them.

First year students start to develop their understanding of the interrelationships among rules, activities, and the social setting within which they exist in a three credit Perspectives course. This course begins with an intensive, week-long orientation that serves as a transition between undergraduate and graduate studies. It seeks to provide a framework for students to understand the practices of lawyers with which they will be working during their next three years. The Perspectives course continues throughout the first semester. It explores legal and social issues from several different points of view. It introduces students to the practices and ethical responsibilities of lawyers and looks seriously at forces in society that shape the law and what lawyers do. The course also deals with the activities of the legal profession in politics and society and with the dilemmas associated with developing a “professional identity.”

Substantive law courses introduce analytic thinking. Students take three of the six required substantive law courses each semester. These courses—Contracts, Constitutional Law, Civil Procedure, Property, Criminal Law, and Torts—are common to most first-year law school curricula. It is in these traditional courses that students are introduced to legal doctrine and to the analytical art of “thinking like a lawyer.”

The Research and Writing program introduces analysis with effective writing. In this year-long six credit course, taught in small groups by highly qualified full-time instructors, students focus on a most basic skill—using language with precision, clarity, and persuasiveness. They learn the fundamentals of traditional and computerized legal research and tackle challenging research and analytic problems drawn from real-world situations. They obtain extensive practice in legal writing with regular feedback, and engage in client interviewing and advice memoranda exercises. Finally, they research, brief, and argue a case, receiving valuable feed-

back from faculty and selected alumni/ac. It is here that students learn to think on their feet—to respond quickly to a probing question with sophistication and aplomb.

UB Law's unique calendar was created to provide extra time between semesters for in-depth study. During this time, first-year students take one of a series of intensive, four-week "bridge" courses. The UB Law School is one of the first in the nation to provide these valuable courses, which focus on the many facets of an issue, process, or problem that accomplished lawyers must identify, understand, and manage.

Taught in small classes of twenty to twenty-five students, these first year "bridge" courses meet for thirty-six hours over a four-week session in January. They encourage comfortable and open discussion. Complex matters are reviewed carefully, in stages, until students are intimately familiar with, and thoroughly understand, their many intricacies.

Students elect from an extensive menu of cutting-edge courses. These include:

- A Counseling course, in which students examine the process of providing advice in corporate/commercial matters by focusing on the purchase and sale of a small business, paying attention to questions of contracts, corporations, sales, security, and family wealth. Part of the course is devoted to developing techniques for students to learn law on their own.

- A Disability Issues course focuses on issue identification and client counseling in the context of disability law. Through a number of exercises, the students develop and finally draft documents that meet their client's needs and desires.

- Mass Tort Litigation: The Dynamics of Settlement Negotiations and Lawyer-Client Relationships is a course that utilizes the silicone breast implant litigation as a case study.

- Products and the Law examines the debate over tort law reform in the context of a process now under way in the American Law Institute (ALI) to promulgate a Restatement (Third) of Torts on Products Liability.

Other bridge courses that have been offered include Enforcement of International Law; Regulating and Negotiating Pollution; Guardianship; Welfare Reform; and Negotiation, among others.

The upper-division curriculum allows students to direct their programs toward the goals they choose. In-depth upper-division concentrations of courses enhance student understanding of the work lawyers do. Students are encouraged to select upper-division courses in sequence so they will obtain a thorough understanding of a particular practice area. After an introductory course, they take a series of advanced courses that usually includes seminars and clinical experiences. The concentration is completed with a full-year colloquium in which students write for publication, edit specialty journals, and conduct supervised research. As a result, students learn how to approach extremely complex legal problems. Since this ability is transferable to other areas of practice, students expand the options available to them after law school. They are equipped to work on major matters—not merely the simple ones usually given to young lawyers. At present, concentrations are available in: Affordable Housing and Community Development; Corporate Finance and Business Transactions; Criminal Law; Environmental Law;

Family Law; Regulatory Law and Policy; Civil Litigation; International Law; Health Law and Policy; and Law and Social Justice.

The Criminal Law Concentration is a good example of our program. After completing the required and elective course enrollment from among more than thirty criminal law-related courses, students participate in a Federal Criminal Practice Clinic, where they represent individuals charged with federal felonies, and the year long Criminal Law Colloquium. In the Colloquium, students research and write an article concerning criminal law, which may be published in one of the Law School's many journals. In addition, they assist in editing the *Buffalo Criminal Law Journal* and in planning an annual conference. Past conferences have considered New York's new death penalty statute and the need for recodification of the federal criminal law.

Lawyers and legal institutions do not function in a vacuum. Law students must not only understand law on its own terms, but they must also understand how law affects and is affected by the social system and the culture of which it is a part. Thus, students should expect a legal education that emphasizes not only legal doctrine (the rules and principles of law) but also the social and historical context of law. This means that while law students need to read statutes and appellate cases, they also need to study historical documents, studies in the social sciences, economic analyses, philosophical essays, and works of literature. They should also be required to go into the community to observe courts and conduct fieldwork.

The University at Buffalo Law School is among the leading law schools in the United States for these kinds of interdisciplinary legal studies. The emphasis on interdisciplinary perspectives at UB Law affects the educational process in many ways.

The first place where students are likely to be exposed to interdisciplinary studies is in their everyday course-work. This is because the faculty of UB Law is particularly well qualified to teach students about law in its social context, since an unusually high proportion of the faculty holds advanced graduate degrees in such fields as history, political science, anthropology, sociology, American studies, economics, and psychology. Course offerings reflect this rich diversity of backgrounds of our faculty, who teach and conduct research on topics ranging from studies of law and literature to sociology and anthropology; from history to psychology; from feminist legal studies to considerations of race, racism, and the law.

Interdisciplinary studies at the Law School, likewise, are an essential building block of our new curriculum. Course concentrations are designed to emphasize multiple perspectives on law. In a given course concentration, for example, students will learn about an area of law in terms of the relevant doctrinal framework, human activities, and social contexts. Similarly, smaller classes with an emphasis on writing permit greater flexibility in the kinds of reading materials that can be assigned and the kinds of research projects students can undertake. Ultimately, students receive an education that enables them to function competently and intelligently as lawyers while possessing a sensitivity to the world in which their clients live.

Our unique clinics offer diverse opportunities for upper-division students. Clinical courses provide an understanding of the essential relationship between thinking about legal problems and dealing with client problems. They have long formed a significant part of our program and are nationally renowned. Unlike most other law schools, UB Law integrates these courses into the fabric of its curriculum through our upper-division concentrations.

UB Law has avoided using the routine, basic legal practices commonly featured in the clinics at many other law schools. The clinical offerings here involve complex matters, where creativity and innovation play key roles in effectively serving clients. For the most part, we represent groups rather than individuals and routinely address issues of policy development and implementation.

As a result, our students obtain unusually diverse clinical opportunities. For example, our Affordable Housing Clinic, which has been in place for eight years, has obtained nearly \$24 million in housing construction and in renovation grants and credits, and has produced in excess of 300 affordable housing units in the Buffalo metropolitan area. Similarly, our Community Economic Development Clinic places students on the cutting edge of public interest practice by helping to create affordable and sustainable day-care services in the low-income community, while inculcating the business law skills most corporate attorneys acquire only in the years after law school.

Other clinics at UB include Education Law, which assists disabled students in obtaining an appropriate education; Environment and Development, which works with the City of Buffalo to facilitate effective brownfields development; Health-Related Legal Concerns of the Elderly, which maximizes public and private insurance support for expensive, long-term health-care demands of the elderly; Family Violence, which assists local prosecutors, courts, police, and social service organizations in implementing rational, effective, and coordinated responses to the problem of family violence; Federal Criminal Practice, in which students help defend individuals charged with federal criminal offenses; and Securities, in which JD and MBA students work collaboratively to educate the investing public concerning trading norms and the various investment products which are available and to assist investors in resolving disputes concerning their securities brokerage accounts. All of these clinics train our students to plan and implement solutions—not just react to situations.

Upper-division bridge courses tie students to the world of lawyers. Taught primarily by accomplished attorneys, one-credit bridge courses are offered during the month of January and bring a unique dimension to legal education by providing a focused, inside view of a lawyer's world that most students never see. Recent offerings have included:

- New York Adoption Law, which introduces students to the practice and procedure of adoption law in New York State and to current legal issues presented by adoption practice and the various methods of adoption currently available;
- Taking and Defending Depositions, which focuses on rules of conduct, preparing witnesses, making objections, marking exhibits, interacting with the court reporter, and questioning witnesses;

- Federal Pretrial Criminal Practice, which covers all aspects of pretrial criminal practice generally encountered in the pretrial stages of federal criminal cases, including grand jury, motions to suppress, discovery motions, motions attacking the indictment, motions for bills of particulars, motions to sever, and charge and plea bargaining under the Federal Sentencing Guidelines;

- Flying Solo, a course that examines the multiple issues and problems associated with practicing law as a solo practitioner, including office space, secretarial and staff support, insurance, bank accounts, billing and collection, client records, equipment and technology, getting and keeping clients, and fees; and

- Forensic Evidence, a course that introduces students to common forensic tools used in criminal and civil cases, including DNA analysis, fiber evidence, laser and luma light and Breathalyzers, and the use of expert witnesses in trials.

Other upper-division bridge courses, from among the forty that have been offered in recent years, include: Environmental Legal Research; Commercial Contract Practice—Negotiating and Drafting; Melville and the Law; Advanced Bankruptcy and Tax; The New York State Environmental Quality Review Act; Litigation Strategy; Land-Use Problems; Professional Sports Contract Negotiation and Arbitration; Plea Bargaining; Advanced Disability Law; Real Property Tax; Tax Procedure; Wetlands Regulation; Family Court Practice; Publishing Law; and Bankruptcy and Tax.

In almost any conversation about today's law graduates, experienced lawyers speak admiringly about graduates' intelligence and oral skills, but have concerns about their writing ability. At UB Law, students are encouraged to take every opportunity possible to write and have their writing critiqued. The new curriculum at UB Law has been designed so that upper-division courses will increasingly be offered in smaller-class formats that feature a significant amount of written work. Students thus accumulate a portfolio of written work products during law school. These portfolios provide a record of student accomplishment and ability that will allow employers to see not only grades on a transcript but also actual work products.

Since its founding in 1887, the University at Buffalo Law School has established an excellent reputation and is widely regarded as a leader in legal education. With the full implementation of its new curriculum, UB Law is poised to enter the 21st century as the leading public law school in the Northeast. ◀

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