


## COUNTERPOINT

# Grounded in Law-School Basics

By Frank S. Ravitch



**M**r. Hohler makes a valuable point that it would be worthwhile to teach more sections of a law practice management course in most law schools, so that students have a real opportunity to take it. I disagree, however, that it should be mandatory, as law schools have students going into all sorts of jobs, from large firms to solo practitioners, judicial clerks, government lawyers, public-interest lawyers, and in-house lawyers for corporations. Mr. Hohler himself acknowledges approximately 25 percent enter solo practice. Such a course may not be as helpful to the other 75 percent, and the students should have a choice as to how they use their upper-level credit hours.

Certainly, there would be no problem if deans of students and faculty advisors suggest to students who plan to go into small-firm practice that they should take the course, and recommend it to other students as well. When all is said and done, however, a lawyer learns the nuts and bolts of practicing law by practicing law. The law school needs to (1) provide legal knowledge, (2) inculcate a way of thinking (being a natural risk manager and being able to see a problem from a variety of perspectives, etc.), and (3) teach legal research methods, writing, and analytical skills that will help for an entire legal career.

Every student benefits from the three initiatives, and while it is certainly frustrating to both lawyers and firms that new lawyers do not necessarily come out of law school knowing how to run a law firm, the reality is that law practice management can be picked up through a variety of practical experiences. On the other hand, if a new lawyer graduates law school without having the ability to see that there might be a constitutional, tort, procedural, etc. issue in a case, and is unable to see the potential risk to his or her client from a given course of action, the risk to clients and lawyer is significant. Law schools are far from perfect, but most do a good job with the above three skills. There are only so many courses and skills that can be taught in three years.

Fortunately for Michigan attorneys, the State Bar operates a Practice Management Resource Center (see sidebar on page 37), which offers numerous courses at no charge related to the operation of a law office. Topics from test-driving software to managing finances to staff issues are offered on a regular basis.

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We must take care not to create a false dichotomy between practice and knowledge. I was a litigator myself, and still do amicus work to the U.S. Supreme Court. While I agree that practical skills are important in litigation, being better prepared and more knowledgeable than an opponent is the best weapon. With a busy judiciary, a practitioner usually gets only one bite at the apple to frame issues and argue key points.

Businesses called for a model of trade-school-type training in the '80s, and the result was a shift among large universities to a consumerism model. Now, 25 years later, businesses are looking for people with strong liberal arts backgrounds because they want well-rounded graduates who can engage in thoughtful response and risk management.

To turn law schools into trade schools would be a disaster. It is our duty at U.S. law schools to prepare our students to be lawyers, which includes thinking like a lawyer and having lawyering skills, but like any job, there will always be a lot of learning once you get there. Given the thousands of different practice settings available to lawyers, no amount of practical skills will be enough.

Even though the primary focus of law schools should not be to teach students how to run a law firm, we should nevertheless

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acknowledge that virtually all law schools have clinics to help students learn how to practice law. MSU has a small-business clinic, a tax clinic, a real-estate clinic, and other clinics. They are invaluable if a student can fit one or more into the three-year schedule. Most law schools also have intensive negotiation and moot court programs that go beyond mere competitions, and strong alternative dispute resolution components, which are quite relevant to today's practitioners. Some even have entrepreneur-related clinics.

If we want law graduates to have significant nuts-and-bolts training without sacrificing the skills that will aid them throughout their careers, another option is to implement the medical school model (which is similar to the model used by the Canadian bar), where students do a year-long internship in a practice setting after their third year. The internship, or apprenticeship, as it was once called when law school was not required, might even replace a formal bar exam, or begin after the bar examination is passed. I doubt it will happen in the U.S., but it would be a far more helpful way to get the nuts-and-bolts knowledge that Mr. Hohler suggests to all students in their relevant practice settings. Mr. Hohler is to be commended, however, for raising the concern and for his excellent arguments in favor of his proposal. Clearly, whatever the outcome of the debate, he seems on his way to being a fine lawyer and member of the legal community. ■



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*He has published law review articles in journals such as the Georgia Law Review, Wake Forest Law Review, and Boston College Law Review.*

## State Bar of Michigan Practice Management Resource Center

Recognizing the importance of effective practice management in a law practice, the SBM launched the Practice Management Resource Center (PMRC) in February 2006 to help lawyers and their staff manage their law practices successfully. At the core of the PMRC are its Helpline, website, Educational Center, Lending Library, and training and seminar programs.

**Helpline**—The PMRC Helpline is a confidential and informal service designed to quickly assist State Bar members and their staff with practice management issues over the telephone or by e-mail.

**Website**—The PMRC home page links to information regarding PMRC services. The Resources section on the site links to over 125 various practice management forms, guidelines, how-to kits, links of interest, and educational articles.

**Educational Center**—The Educational Center is equipped with 12 state-of-the-art personal computers. The center is available to SBM members and their staff, by appointment, to test-drive legal software demos and for software training.

**Lending Library**—Almost 100 practice management publications populate the PMRC Lending Library. Publication content may be viewed on the dedicated web page or on-site at the SBM building in Lansing.

**Seminars and Training Programs**—The PMRC offers statewide practice management and technology seminars and training programs, and plans to offer seminars online for viewing in the future.

See what the PMRC can offer you by visiting us online at <http://www.michbar.org/pmrc/content.cfm>.