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Attention on Law Schools— Birthplace of Attorneys

Let's admit it. Most of us have been part of conversations "dissing" law schools. Here is how it goes: Lawyers-to-be are being trained by professors who have virtually no practical experience. What little ethical training occurs in law school provides minimal guidance to right and wrong in the rough-and-tumble world of practice. Thus, law school is almost exclusively an academic pursuit with barely any relevance to the practice of law or professionalism.

At its most extreme, the conversation ends with the conclusion that most of the ills of our profession stem from or at least start with the failures of the law school experience.

I sure wish getting our profession "cleaned up" was that simple! No way. Every segment of our profession and many segments of our society need addressing as well, but neither can we ignore the strong influence law schools have on positively or negatively determining how new attorneys approach the delivery of legal services—both in their attitude and in their practical preparation.

Most law schools teach the law extremely well. I'm still a little shaky on the rule against perpetuities and frankly have not cared about it for years, but, even with me, overall the law was well drilled into my mind. Where law schools have traditionally fallen short, however, is in teaching the intangibles of professionalism. But that is changing, and for the better.

Increasingly, law schools now recognize that they are not just an academic workplace, they are also the birthplace of lawyers. More and more during their three years of legal education, law students are introduced not only to the law, but also to what it means to be a lawyer.

Share your thoughts/concerns

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That's why the actual and subliminal messages of law school matter so much. In law schools that still believe academic training alone is the exclusive purpose of law school, the subliminal message given to students is that knowledge of the law is all important, and that service to clients, fiduciary responsibility, integrity, and interpersonal skills are secondary. Fortunately, such schools are in the minority, but change has been slow and difficult. Having worked within a law school, I can tell you first hand about the various and time-consuming demands upon deans and professors. As the demands rain down on them, they must figure out a way to cram an enormous amount of learning and training into three short academic years.

The purpose of this article is to report to you on efforts to encourage those within the law school community who *do* care not only

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about the minds of future lawyers but also about attitudes and the ability to translate the knowledge of law into practical benefits to clients and society in general.

For this next year or two, I will be chair of the Professionalism Committee of the American Bar Association. It will be our focus to shine a spotlight on the best efforts of law schools to balance the challenge of teaching the law with the equally important challenge of producing future lawyers who will be ethical, competent, and professional.

We will be investigating and assessing efforts of law schools to address the root causes leading to lawyer incompetence and unprofessional conduct. Those causes do not normally stem from a lack of legal knowledge. Rather, they tend to stem from one of the following deficiencies:

- Lack of understanding about the different roles attorneys perform within the legal system. For example, an attorney must be a zealous advocate but also has simultaneous responsibilities as an officer of the court.
- Lack of law office management techniques. The sharpest legal minds cannot overcome problems caused by slipshod law office management.
- Lack of anger management or the inability to deal with other emotional disturbances. Many lawyers simply need training in how to handle the day-to-day stress of a demanding law practice, and how to juggle competing claims for time with equanimity.
- Failure to recognize and treat drug and alcohol problems. Timely intervention, quite simply, can save careers.

Many law schools now have programs that specifically address these predictable

causes of professional failure. Rather than say, "It is not our job" they are joining the practicing profession in dealing with the problems head-on.

In Michigan, we are already beginning to set examples. I will be highlighting the efforts of Michigan's law schools in more detail in an upcoming article. Your State Bar, in conjunction with the Attorney Discipline Board and Attorney Grievance Commission,

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has started an Ethics School Diversion Program. Our chief justice is an active member of the Conference of Chief Justice's Professionalism Committee that supports efforts on professionalism.

The efforts I am describing are systemic and fundamental. They signal a maturing of our understanding of what it takes to be a good lawyer, and where it starts. Their success will enhance the quality of our professional lives, and the pride we feel in being lawyers.

Increasingly, I predict, our conversations dismissive of the real world relevance of law school education will change to recognition that something important, and positive, is happening in our law schools. It has already begun. Now is the time for all of us to face these important issues that go beyond mere legal knowledge to the heart of our profession, how to make practical, ethical use of that legal knowledge, for the good of all.

Our birthplace as lawyers is the right place to start. ◆