

Blog Export: Beaneball, <http://beaneball.org/>

Thursday, March 13, 2008

Washington and Lee's new 3L year

The hot news in the legal blogosphere is that Washington and Lee is overhauling its third year: instead of academic courses, the entire thing will be experiential learning. This will, according to the WSJ Law Blog, include practicing keeping track of billing hours.

Let me first say congratulations to W&L for taking a big experimental step with their educational program -- it takes guts to implement something like this, and hopefully they display the same guts over the years to keep with it and really try to make it work.

That said, while the heart is in the right place on this, I'm not sure that it is going to work out for them. It strikes me that experiential learning should be incorporate all the way through. Two years of classroom instruction and then a year of, what, basically apprenticeship? All this really does is push what used to be the first year in private practice back into the law schools. That's fine, I guess, if you're trying to make the law firms happy, but in the end, you're still just throwing the students into the "actual practice" portion of things with no real preparation beforehand.

The approach I'd want to take would be more integrated. In the first year, you take Legal Research and Writing, where you're really learning the nuts and bolts of, well, legal research and writing. But that first year is also filled with the usual doctrinal classes, partially to learn doctrine, but more importantly, to learn the way lawyers talk and think about things, so that you can actually fill those lovely briefs you're learning about in LR&W with substantive, correct-sounding material. None of this is radical. In fact, none of this is a change at all from what's already done.

The key, I think, is in the later years, when there ought to be requirements that some not insubstantial portion of your credits should be of the clinical/internship/externship/etc., i.e. experiential, variety. Furthermore, upper-level classes should include semi-experiential components. That is, don't just teach for 40 hours and then make the students write an exam; instead have them file short memos on various topics throughout the semester. Don't just do your silly, unexamined version of Socratic teaching. Set up sessions where students make meaningful contributions, like through oral arguments or perhaps presentations of material.

This kind of system requires a couple of things: a willingness on the part of the professor to really engage in teaching (but see Jeff Harrison's blog on the unlikeliness that this will happen); and small classes. There were 121 people in my Evidence class. That doesn't excuse the multiple-choice exam at the end of the semester, but it does excuse not having 3-5 writing assignments throughout the semester. Regardless of your dedication to teaching, grading 600 assignments, even if you limit those to one page apiece, is a ton of work.

The fact that this model law school will require smaller classes will balance, from the law teacher's perspective, the fact that fewer doctrinal classes will be taught (because of the clinics/internships requirement). Thus the faculty size will likely need to remain about the same. What will not remain the same, however, is cost. Building clinical programs, i.e. offering free legal services, isn't cheap. It's a lot cheaper to lecture 120 students about Evidence than it is to pay court costs and things like that for indigent clients in all these new clinics that will be starting. Another issue is the big gap between (relatively) rural and urban law schools. Carbondale just doesn't have the number of people who need legal service as New York City. Of course, given the number of schools in New York, that doesn't address the right question -- the question is whether there are enough people in Carbondale who need Southern Illinois' legal services to justify opening three or four new clinics and expanding the already existing ones to accommodate the fact that now, every student will have to do n credits of that kind of work.

To reiterate, however: all of these difficulties will always exist for any law school that wants to update its curriculum to be more useful, to give students the kind of experiential learning opportunities that forward-thinking educators realize are necessary. Thus it is a real credit to W&L's faculty and administration that they are willing to step up and try to make something new work.

UPDATE: Here's the post about the topic at PrawfsBlawg.

UPDATE 2: Here's Law School Innovation's post.

Posted by Jason Wojciechowski in Education, Law, Law School at 12:36

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Thursday, February 2, 2006

A blogging presentation at Cardozo

I attended a little event at Cardozo today that I thought I'd share. Peter Lattman and Ashby Jones from the Wall Street Journal Online came to talk about blogging, online journalism, and the law. The attendance was pretty good for an evening session on a relatively niche topic, and some of the questions from the audience were pretty good.

Both men are former lawyers (Jones: Michigan; Lattman: Fordham) who moved into journalism after really disliking the law-firm life. A lot of what they cover at the Journal's Law blog (Lattman) and generally on the law page of the Journal's online presence (Ashby, who edits that section) is the law firm life and, in some sense, legal culture. They do, of course (because it is the Journal), a lot of business stuff, from two perspectives: the legal aspects of business as well as the business aspects of the law.

They both seemed like they really enjoyed their jobs and enjoyed working at what's in a lot of ways the front of a wave in journalism. It made me not feel so despairing of what might happen to me if I don't like the lawyer's life after law school.

Some of the issues that were interesting to me (What does being on the web mean for journalists in terms of pressure to get stories up before they can really verify them? What about the possibility of a completely opaque editing process, where we don't even have to know that you've made corrections?) were discussed, as well as the nature of blogs (which I think is overblown - a blog is not a blog because it's independent, or because of its style of mixing opinion with reportage), the question of whether blogs are "just a diversion" (question coming from an old dude in the back, which clearly made Lattman and Jones really uncomfortable), and the more mundane points like, "Do you link to pay sites?"

One question I wanted to ask of Jones personally, but decided against eventually, was what effect he thought the move to online journalism might have on magazines and long-form journalism. People hate clicking "next page" online, after all - can you imagine if Gay Talese or Truman Capote had tried to write for an online audience? I shudder to think.

Perhaps most of all, I enjoyed considering how many people were probably blogging this when they got home.

Posted by Jason Wojciechowski in Law School at 22:36