

## On Law Schools and Leadership

Dr. Roberto Aponte Toro  
Dean, School of Law, University of Puerto Rico  
Puerto Rico, USA

Academic leadership in the field of law can be exercised from multiple angles and perspectives. One perspective is legal education itself.<sup>1</sup> How, when, and where does one learn the skills that our society deems necessary to become what we call a lawyer? Let us begin at the end and work our way backwards: Are those skills learned at a school dedicated to the teaching of those very same skills? Or are they learned at the office of a practicing attorney? Is learning achieved at each curricular stage of the academic process or at the end of the academic experience?<sup>2</sup> Is it attained by way of observing the work of others or by way of supervised exercise, whether it be inside or outside a law school setting?

That has been in large measure the main concern of the American academic community in recent decades. Such inquiry aims to close the gap between the academic model of training lawyers and their actual practice once they leave law school. The most pressing question is: How much, if anything, does law school education contribute to the professional practice of lawyers? The answer usually is that it contributes little; most of the most important qualities of what it means to be a good lawyer are acquired outside of law school; they are acquired by observing other lawyers in the courtrooms and in the offices where they work.

This answer leads many academic leaders to look for ways of justifying their leadership, in an attempt to give meaning to the law school experience so that it become indispensable. The underlying tension currently seems to manifest itself in the question of whether law schools should be less onerous for students,<sup>3</sup> despite the fact that the field of knowledge is expanding, by instituting two-year programs instead of the traditional three-year one and taking full advantage of technology, or whether, on the contrary, we should add years to our programs, in order to address that expanding field of knowledge, or whether, ultimately, we should accept the model of life-long learning

Four years from now, on 2013, the School of Law of the University of Puerto Rico will turn 100 years-old.<sup>4</sup> Yet, lawyers have been a part of Puerto Rican society since at least the year 1740. There is historical evidence of at least three lawyers in Puerto Rico at that time.<sup>5</sup> The historical record also shows that such a shortage of lawyers led to concern over the lack of access to the

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<sup>1</sup> See John O. Sonsteng et al., A Legal Education Renaissance: A Practical Approach for the Twenty-First Century, 34 WM. MITCHELL L. REV. 303, 363-434 (2007-2008).

<sup>2</sup> *Id.* at 378-379 n.404.

<sup>3</sup> *Id.* at 358-364.

<sup>4</sup> Carmelo Delgado Cintrón, Las escuelas de derecho de Puerto Rico 1790-1916, 41 REV. JUR. UPR 7, 8 (1972).

<sup>5</sup> *Id.* at 9.

justice system.<sup>6</sup> In the following centuries, there were several attempts to create a center for legal education in the Island. All of them were short-lived.

During those years, Puerto Ricans traveled to either Cuba or Spain, principally Barcelona, to study law.<sup>7</sup> Then, in 1913, our law school came into existence. It built upon a successful program that developed two years earlier within the Ateneo Puertorriqueño.<sup>8</sup> Its fundamental goal was to prepare lawyers for service within the Island's new government bureaucracy and business sector.

During those first years of what was then called the College of Law, special importance was given to the production of lawyers for the local and federal government apparatuses, and the Island's business and mercantile concerns. It is noteworthy that, very early on and in contrast to most American university, the course on International Law became mandatory for students, a policy that subsists to this day.<sup>9</sup> That first half of 20<sup>th</sup> century saw the so-called "transculturization" of our legal system, with American and Puerto Rican justices sitting alongside in the local Supreme Court.<sup>10</sup>

Our first acting dean was José Benedicto Géigel. He was succeeded in 1916 by Dean Martínez Álvarez, the first to use the title. During Martínez Álvarez' long tenure, improvements were made to our physical infrastructure.<sup>11</sup> The text books used at that time were a combination of new American books and old Puerto Rican sources. Our curriculum reflected the needs of a transactional agrarian society, particularly concerned with the issue of land ownership.

In the late 1940's, attorney Manuel Rodríguez Ramos was appointed Dean of this law school.<sup>12</sup> As a student, Rodríguez Ramos had been a driving force behind the creation of our law journal. And, as Dean, he instituted our legal aid clinic, modeled on programs he had observed in the U.S. Both initiatives, the law review and the legal aid clinic, are, today, enormous sources of pride for our School. Rodríguez understood that our School's goal was to prepare lawyers for the public sector. The need for lawyers was high at the time: It was said that the government of our welfare state needed 300 lawyers.<sup>13</sup>

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<sup>6</sup> *Id.*

<sup>7</sup> *Id.* at 17.

<sup>8</sup> *Id.* at 31.

<sup>9</sup> For many decades we were the only law school under American jurisdiction, where International Law was part of the mandatory curriculum. As part of the last curricular reform, it was transferred from the third year to the first year.

<sup>10</sup> For an overview of that period, see JOSÉ TRÍAS MONGE, *EL CHOQUE DE DOS CULTURAS JURÍDICAS EN PUERTO RICO: EL CASO DE LA RESPONSABILIDAD CIVIL EXTRA CONTRACTUAL* (1991).

<sup>11</sup> Delgado Cintrón, *supra* note 4, at 45.

<sup>12</sup> Hans Perl Matanzo, *La Escuela de Derecho de la Universidad de Puerto Rico: Un Legado de Manuel Rodríguez Ramos*, 73 REV. JUR. UPR 1095 (2004).

<sup>13</sup> *Id.* at 1115-1116 n.72.

Today, all our students are required to provide legal aid in various areas of the law, and our legal aid clinic ranks high by the standards of American Bar Association.<sup>14</sup> Rodríguez Ramos oversaw the design of what in 1960 would become our new and current building. During his tenure, the number of mandatory courses became fewer, thus starting the trend towards curricular flexibility, a trend that lived on.<sup>15</sup> Rodríguez Ramos also brought diversity to our School by hiring foreign faculty members. One of those young foreign professors was David Helfeld, who later succeeded Rodríguez Ramos as Dean of our School. Dean Helfeld helped to further diversify the School. He came from a civil rights background, having been expelled from Yale Law for his sharp criticism of J. Edgar Hoover.<sup>16</sup> Helfeld strengthened our School both by hiring a higher number of full-time professors and by encouraging our School's involvement in the social debates of the 1960's, some of which ended in bloodshed.

Towards the end of Helfeld's tenure as Dean in the 1970's, a Curricular Committee, composed by Helfeld, Raúl Serrano Geys and Jaime Fuster, issued a report that illustrates the strong sociological slant of our School at the time.<sup>17</sup> The goal was to bring our students closer to the Social Sciences and the Humanities. The report also evinces an indifference towards the influence of other schools, such as the Business School.<sup>18</sup>

Between the 1970's and 1980's, our law school went through several transformations and was the stage of serious conflicts. In the early 1980's and under the leadership of current President of the University of Puerto Rico, attorney Antonio García Padilla, a movement towards internationalization and even globalization was initiated. Cooperation accords and exchange programs with foreign institutions were initiated.<sup>19</sup> We traveled to Spain, and established a joint degree program with the University of Barcelona. We then looked to Latin America, particularly Chile, and later to Canada. By exploring the world, we were ultimately exploring ourselves, looking to better understand the philosophical underpinnings of our mixed legal system.

García Padilla's highly productive tenure as Dean lasted 14 years. His successor was Dean Efrén Rivera Ramos. He brought to the fore the issue of access to the justice system, stressed public and community service, and promoted a higher presence of international faculty members. His efforts received deserved national attention. In 2006, he was awarded the Deborah L. Rhode Award granted by the Section on Pro Bono and Public Service of the American Association of Law Schools for outstanding contributions to the cause of equal justice from a position in legal education.<sup>20</sup> Last year, ANDA, a student organization focused on environmental issues founded

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<sup>14</sup> Our School's legal aid clinic is among the top 10 in the U.S. in terms of breadth of service.

<sup>15</sup> Perl Matanzo, *supra* note 12, at 1117.

<sup>16</sup> See Thomas I. Emerson & David M. Helfeld, *Loyalty Among Government Employees*, 58 YALE L. J. 1 (1948); Thomas I. Emerson & David M. Helfeld, *Reply by the Authors*, 58 YALE L. J. 412 (1948-1949).

<sup>17</sup> Informe sobre el nuevo Currículo de la Escuela de Derecho, 38 Rev. Jur. U.P.R. 7 (1969).

<sup>18</sup> *Id.*

<sup>19</sup> Antonio García Padilla, *Perspectivas sobre la internacionalización de la educación jurídica*, 70 Rev. Jur. U.P.R. 895 (2001).

<sup>20</sup> Circular 0506-50, December 2, 2005.

under Dean Rivera Ramos' tenure, received the ABA Law Student Division's Judy M. Weightman Memorial Public Interest Award for its efforts to serve the public interest as it worked to inform and educate the community regarding environmental issues.<sup>21</sup>

Towards the end of Dean Rivera Ramos' tenure, there were talks about how to strengthen our offering in the economic arena. The last great achievement of Dean Rivera Ramos, in collaboration with Professor Ana Matanzo, was the success of our Pro Bono program, a project that has been of great benefit to the community-at-large.

However, our curriculum has not reflected the Island's economic master plan. In this sense, I believe, we have started a process of awakening in Puerto Rico. We realized that our academic curriculum was out of touch with our economic reality.<sup>22</sup> This is something that had gone on for a long time and had only gotten worst as the economy transformed itself. Fortunately, the level of disconnectedness was never complete. We've always had authors trying to figure out how new economic concepts, such as condominium or leasing, fit into our old Civil Law tradition.<sup>23</sup>

But, as I said, the gap was evident. At the beginning of the 20<sup>th</sup> century, agriculture was Puerto Rico's main industry. Yet we never had a course on Law and Agriculture. More recently, construction has been one of our major industries. Yet we didn't have a course or seminar on Construction Law. By the same token, for more than three decades, Puerto Rico was a hub for pharmaceutical companies.<sup>24</sup> Yet we didn't have any course on patents or food and drug regulations. Even though a big part of medical patents were assigned, albeit for tax reasons, to Puerto Rico during that period, there are now only 12 patent lawyers in Puerto Rico, many of them currently associated with our School. The same goes for biotechnology. This year, for the first time, our course offering includes two courses on Biotech Law. Next year, we incorporate a course on nanotechnology, and another the laws that regulate shopping malls. For over three years, we've had a successful cyberlaw program, including a legal aid clinic.<sup>25</sup>

We are also working towards a wider curriculum around technology and licensing. We want to address the impact of technology not only on the law, but also on areas such as communication, scientific innovation, and energy policy. We are working hard at it. We intend to create a Center for Intellectual Property and a multidisciplinary Center for Law and Natural Disasters.<sup>26</sup> Ultimately, it's all about putting science and the tools of economic development to good use, that is, for the good of our peoples.

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<sup>21</sup> Circular of the Dean 0708-13, August 13, 2007.

<sup>22</sup> Although the economy always had a presence in the curriculum, there was little integration beyond what is usually covered under the topics of law and development, or law and poverty.

<sup>23</sup> Professor Michel Godreau, a member of our Faculty, has delved into practical aspects of Civil law and Property. He is the author of treatises on Condominium Law and on Leasing.

<sup>24</sup> See Andrés Ramírez Marcano, *Más allá de la Sección 936: El futuro económico de Puerto Rico para el año 2000*, 32 Rev. Jurídica U. Inter. P.R. 207 (1997).

<sup>25</sup> Last year, our cyberlaw clinic won our first domain dispute on WIPO.

<sup>26</sup> See Proposal for the Funding of the Natural Disasters Law and Policy Center at the University of Puerto Rico, Río Piedras Campus, March 31, 2009.

In only 40 years, our discourse has changed dramatically. As a law school within the American jurisdiction, we have been moving in the same direction as our counterparts to the North. For instance, we have addressed problems such as the lack of access to justice and legal education among the poor, and the general lack of interest in public service, all of them issues brought to the fore during the 1960s and 1970s. Then came internationalization and globalization, and we started to train lawyers both sensitive to other cultures and competitive in a global marketplace.

Today's discourse feels very far from that of the 1960's. The 1960's made us aware of the fact that law is a social construct. With that notion in mind we went on to face the logic and language of globalization, never losing sight of the traditions of the old culture. Now, at the end of this first decade of the 21<sup>st</sup> century and skeptical of globalization's alleged effectiveness, we are called to look within ourselves and work for those that our societies left behind. Having recognized that law is a social construct, I propose that we acknowledge that science and technology also are social constructs, and that both of them, working together, can help us bring about better living standards for Puerto Rico, a country that can visualize itself as either a global island or a global city of the future.<sup>27</sup>

I don't consider myself an academic leader. I am but the "humble emperor" that suddenly realizes that we were exposing our collective nakedness. Today's competitive world needs lawyers that can help us move forward in the fields I just mentioned. We need students that can be critical of those fields of knowledge, not students that will have blind faith in them. Training such students is the role of a University, the perfect place from which to observe, measure, value, and design the rules of the new economy, a place from where lawyers can help nourish and protect the world.

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<sup>27</sup> Roberto Aponte Toro, On the Evolution of the School of Law: Where Are We Headed in the Next Decade, conference offered on the First Symposium between American University and the University of Puerto Rico School of Law.