

Curriculum Content of Legal Education

By:

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What do we teach our students and is it still useful?

I'm sure we all agree that there are certain courses that we need to teach and our students need to learn, such as Contracts, Tort, Criminal Law, Constitutional Law, and Property.

However, we all may be struggling to determine what else we should be teaching our students in this changing globalized world that raises new challenges as we've never seen before, such as greater competition, consolidation of firms and integration of specialties.

What should we teach our students? How should we teach that we teach?

In 2006 Southwestern Law School created a new curriculum with several goals in mind:

- to provide students more time to master their courses;
- to place a greater emphasis on the realities of legal practice, the construction of legal careers, and the ethical and social responsibilities of lawyers;
- to expand the instruction of legal research and writing to include more development of basic lawyering skills as well as earlier exposure to litigation, interviewing and counseling skills;
- to facilitate students' ability to study specialized areas in the first year; and
- to provide increased academic support that helps students improve their learning skills.

Dean, Bryant G. Garth, described the new curriculum as "a terrific mix of what we can do well as a law school and what the students can use to build the skills and professional identities appropriate for effective transitions into the legal profession."

It is not my purpose to give particulars of the many significant changes we've implemented since. I just wanted to illustrate how Southwestern as well as other law schools are aware that the traditional model as it has been for many years is no longer supplying all the answers to the challenges our students/future lawyers will face, and the tools they will need to accomplish their career goals. For instance, bridging the gap from theory to practice is more difficult now than it was in earlier times. Nowadays, the legal profession is bursting with complexities and constantly evolving demands; new areas of law have developed; complex contracts are frequent in the traditional areas as well as the new areas of law, and may include elements of both; clients have wide access to information including legal information by just surfing the net, and it's not uncommon for a client to come to the lawyer's office with many more questions and suggestions on the basis of her own research; the different economic and financial reality forces and/or provide clients with the opportunity to change course, engage in new business activities, change their modus operandi, and they need their lawyer to accompany them along the way who must have an understanding of the new ways of doing business.

In this connection, the ABA's *Survey of Law School Curricula*, the Carnegie Foundation's *Educating Lawyers*, the Clinical Legal Education Association's *Best Practices for Legal Education*, and the Law School Survey of Student Engagement (LSSSE) report, all suggest that law schools must guide students' transition from theory to practice by adopting more professionalism and practice-oriented approaches in their curricula.

How do we do this? Partly, by providing more externship opportunities; diverse legal clinics that serve real clients; elective courses in cutting edge areas, such as intellectual property law, international law and business law. Just as an example, law schools have been offering Intellectual Property Law for a long time, but new technologies and new media make the area much more complex today than it ever was, and more specialties have developed that require more than the traditional Copyright, Trademark and Patent law courses. The same can be said of business law, and it's interesting to note that more schools offer joint degrees, such as JD/MBA. Likewise, more international and comparative courses have been added to the law school curricula, and more post-J.D. degrees are offered.

Is that sufficient to prepare our law students for a successful career in the law? This, of course, depends on how a law school perceives the role of lawyers.

Providing our students with knowledge and skills shouldn't be all we do when we educate them. We should instill in our students the notion of the essential role that society reserves to lawyers only. Our students must know that the career they have chosen is one of enormous responsibility as main actors in the legal system, strengthening of the democratic institutions, and peaceful coexistence. Our students need to be aware of the impact they can have in social justice, equality, transparency in business and government, as they will have the opportunity to improve those by means of their legal practice.

The lawyer of the 21st century must know that her practice may affect not only her client, or the local community, but the larger community of the state, the nation, and even the world. I believe that most students enroll in law school inspired by their desire for justice. When they are in class, and particularly in their first year, they are taught to think as lawyers, analyze cases, spot issues, and apply the law to hypotheticals. There is no doubt they hone their analytical skills, but do we give them the opportunity to consider and explore with us if and how their desire for justice is fulfilled in each of the courses they take and the cases they read? And how about those who enrolled in law school for reasons other than a desire for justice? Should we just accept that or invest ourselves in motivating them to think of justice because as future lawyers they **must** have the desire for justice?

Is one course on legal ethics or professionalism sufficient to teach them about the social consequences of their actions? Whether the legal practice should be one that voluntarily or involuntarily omits consideration of the human implications for all parties involved? How to integrate their moral concerns to their practice of law?

Would it be a good idea to require students interested in business only, that they take courses or seminars, do an externship or clinic experience on anything related to social issues, human rights, civil rights, or the like? Should we require students determined to go into public interest law that they take some courses or seminars on anything related to business? If we don't, shouldn't we address the social, human and economic factors and consequences in all the courses we teach?

Likewise, most if not all schools offer “alternative dispute resolution” courses; but are those courses enough to encourage our students to think out of the adversarial system box? Should we discuss in class what could have been an alternative reasonable solution that might have taken care of the interests of all parties involved without having to resort to the courts on the same cases that were adjudicated by the courts?

Further, is there anything universal about this? I’ve learned that very large countries with large populations and economic and military power may have fewer reasons or think they have fewer reasons to consider and learn anything unrelated to them. As an Argentine citizen who studied law at this wonderful law school, I did not have the option nor did I have the excuse to not learn about other realities and legal systems beyond the borders of my home country, for which I’ll be forever grateful. I became a lawyer with a wider perspective of the law, and the realization that legal occurrences in other countries may have an effect in my (legal) reality.

I knew then and it is truer today, that private law and public law are not purely domestic anymore. Transnational businesses; NGOs working in conjunction with their peers in different countries; people migrating from one country to another; environmental problems that do not respect national borders and spread their consequences in several countries instead; international criminal organizations; international money laundering; international human rights violations; international organizations; international treaties aimed to the harmonization of the legal systems of the country members; trans boundary internet social and economic interaction; all tell us that we are not in Kansas anymore. Do our students know this?

Are we conveying to our students the importance of comparative and international law even for them and even if they think they will never place foot in a foreign country? That law is variable and the U.S. legal system is not the only way, but other countries’ systems work as well with different approaches?

How are we preparing the law student in the United States to deal with this wider world we live in? How much does she learn about other legal systems? Does she come out from law school with the abilities to compete with and work with her foreign colleagues? Will she know how to interact with a client that was born and raised in a different country with a different legal system, and needs her legal assistance? Are we doing enough to make her aware that insularity is no longer an option?

I tried to point out some of the issues that I think our law schools should consider when discussing the legal curricula and how it is conducive to the education of knowledgeable and responsible legal professionals, with a clear understanding of the important role they will play in the larger community.