

## opinion

# A more 'practical' approach to training new lawyers

By Michael L. Coyne

Consider the nature of medical school education. Without question, it has changed dramatically over the last century. Today, by the time surgeons are poised to make the first cut in an abdomen, they have not only absorbed endless volumes of knowledge in the classroom, they have served internships and residencies during which they have put their theoretical training into actual practice.

So why don't law schools do the same thing? Because legal education has not changed significantly since Christopher Columbus Langdell developed, in 1890, what is now the standard United States law school method of instruction.

The fact is, a law school that bases its teaching approach on the medical school model would produce graduates who, upon passing the bar exam, would be ready to contribute to their community and "hit the ground running."

Graduates could roll up their sleeves and immediately put their knowledge into real-world action. Rather than

merely reading about legal cases and discussing legal principles in an academic vacuum, they would possess a clear understanding of how these principles translate to practical application.

Certainly, a few schools have elected to adopt a modified version of the medical school approach and are able to provide a more "hands-on" environment with numerous clinical experiences for their students; some accrediting agencies applaud those schools for these efforts.

This begs the question: Why don't more schools follow suit? The answer is specialized accreditation, specifically accreditation from the American Bar Association.

In order to receive this imprimatur, the ABA requires law schools to comply with certain longstanding academic, procedural and costly requirements, many of which were adopted well before the advent of today's clinical methods and developing technologies that improve student learning and performance.

One of the primary tenets of ABA accreditation is that full-time law school faculty members are not al-



lowed to maintain a connection to a law practice. In other words, a full-time faculty member can't be a judge or expert practicing lawyer with any professional affiliation. The rationale is that such professors are able to maintain a strong grasp of legal theory and concepts without the burdens of the work-day world.

Schools with accreditation from an accrediting agency recognized by the U.S. Department of Education, but without the ABA's specialized accreditation, take a slightly different approach. By allowing their professors to maintain a connection to the legal profession, they are free to hire lawyers with more professional experience and judges who will someday oversee their actual performance in a real courtroom.

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This experience is invaluable to the student struggling to put legal theories and concepts into context, as it allows them to see how to apply theories, concepts and the law in everyday situations. The medical school model of “see one, do one, teach one” is then carried out through simulations and clinical experiences.

There are only a few law schools in the United States that use the modified medical school model to educate students. Massachusetts School of Law is one such school. MSL has chosen to seek its accreditation from the New England Association of Schools and Colleges.

This organization establishes broad-based accreditation criteria for its member schools in order to ensure a high level of competence and quality. These criteria are guided by performance and student achievement, not on inputs (i.e., what will best prepare the student for a successful law practice experience rather than arbitrary academic and physical mandates).

To illustrate exactly what getting a practical education means, one need look no further than two relatively new courses currently being taught at MSL: family law rounds and juvenile law rounds.

Students in each of these “traditional” law school courses will have their classroom experience augmented by volunteering with a practicing lawyer during the course of that class to represent peo-

ple who need assistance with issues in these two disciplines.

In doing so, everyone wins: Students gain practical experience while being exposed to their civic responsibility, and the community gets help it would not have received otherwise.

Also, while MSL takes the same national casebook approach to educating its students as the most well-known law schools, it augments that approach with a heavy emphasis on New England law, customs and professional ethics.

Many students graduating from MSL will ultimately practice law in the New England area; consequently, the school offers many courses that emphasize New England laws and practices rather than just the broad-brush tenets of national casebook law.

Would the graduate of a law school

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that doesn't have specialized accreditation from the ABA have difficulty finding a job once he or she graduates? It's a possibility, as the large multi-national law firms often place emphasis on the law school choice of their new hires.

However, the larger law firms are typically more interested in the gradu-

ate of Harvard or Michigan for entry-level hires than one from a smaller, lower-ranked school, even if that school is ABA accredited.

Beyond that, graduates of all law schools — ABA accredited and otherwise accredited — are in competition for positions, whether those positions are in a law firm, the corporate world or the public sector.

Graduating from a second-tier, ABA-accredited school is dwarfed by the importance of the skills that the new lawyer possesses and the value that lawyer adds to the potential law firm in terms of actually being able to make money for the firm. At a certain point, what matters is simply how effective a lawyer you are — there are highly successful lawyers from every law school.

The bottom line? There is clearly more than one effective form of law school accreditation. All forms enable a graduate to practice law successfully, after taking a slightly different route.

Why not offer alternative models — traditional and theoretical, or practical and accessible — to the single model of specialized law school accreditation dominant today, and see which works best for each student and which trains the better lawyers?

While many ABA-accredited schools claim to teach students to think like a lawyer, other schools believe that students need to learn how to act like a lawyer as well. MLW