

Everything Lawyers Need to Know They Didn't Learn in Law School

By Nathaniel Bruno

Law school did not prepare me to be a lawyer. It may have taught me to sound like a lawyer, argue like a lawyer and even pontificate like a lawyer during philosophical dinner conversations. But it certainly did not teach me the practical skills I have needed to succeed as a litigating lawyer.

Sure, I learned how to wax eloquent on the historical variety of approaches for justifying the exercise of personal jurisdiction, and how

to defend myself against the interrogating onslaughts of unnecessarily gruff Socratic-style professors. I was schooled in legal theory and reasoning, all the while thinking I was learning how to be a lawyer.

But to my surprise, my first-year experience as a litigator at an Am-Law 100 firm exposed the reality that law school had not armed me with even the rudimentary tools necessary to actually practice law on a daily basis (even though partners seemed to expect I would know what to do when instructed to, for instance, draft up and serve

a subpoena). Basic staples of my everyday practice were learned only through on-the-job, trial-and-error training. Responding to complaints. Drafting document requests and interrogatories. Serving subpoenas and related notices. Understanding e-discovery rules, and collecting and producing documents. Taking depositions. Drafting settlement agreements. I've been required to do each numerous times. But I had never once attempted any of them on the day I graduated from a top-tier law school. Even the trial advocacy and appellate advocacy courses I took for practical experience in law school have proven largely irrelevant to my practice because, as I discovered, the vast majority of cases settle before trial or appeal.

Which is reason for the legal community to pay close attention to the pioneering efforts of the new UC Irvine School of Law that will begin educating its first class of students this month. UC Irvine and its founding dean, Erwin Chemerinsky, intend to break the contemporary mold of legal education. They intend to focus the experience of law school much more on skills training and practice-oriented clinical work than on the theory and abstractness that currently dominate the coursework at major law schools.

Features of UC Irvine's innovative curriculum include courses in practical lawyering skills, a semester-long clinical education requirement including pro bono work with real clients, an increase in interdisciplinary studies, courses studying the legal profession itself and its various disciplines, and the pairing of students with practicing attorneys as mentors. As one specific example, Chemerinsky is proposing that first-year contract law coursework include not only the traditional study of common law cases and doctrines, but also practice in actually drafting contracts. Upper division classes will also include skills training in such areas as business law and litigation.

UC Irvine appears to be chart-



ing a migration back toward at least a hybrid of the apprenticeship model that prevailed prior to the modern-day law school approach emphasizing intellectualism and theory. It seems intuitive that training law students in how to actually be practicing lawyers is a noble and useful endeavor that will benefit the profession.

In fact, a question could be posed as to whether the planned curriculum at UC Irvine goes far enough in its quest to inculcate students with practical skills. For instance, what about a training course emphasizing the completion of common written discovery-related tasks? Or a course focusing on drafting complaints and answers? Perhaps those will need to wait for the seeds

of practice-oriented legal education to germinate more robustly.

But UC Irvine's inventive new approach to training lawyers is promising and refreshing. It will be interesting to observe how its curriculum affects the conventional wisdom governing teaching methods at most major law schools, and whether the effects of its methods (positive or negative) are measurable and worthy of imitation.

One thing the UC Irvine School of Law definitely has in its favor is its tireless founding dean. I and surely thousands of others have studied under the tutelage of Chemerinsky during bar review courses while preparing for the constitutional law portion of our respective bar exams.

If any person has the industriousness and passion to make an innovative concept for law school education succeed, the odds are certainly with Chemerinsky, the one professor who stood and delivered consecutive days of enthralling, informative, multiple-hours-long lectures — completely from memory. No doubt the students at the UC Irvine School of Law will benefit from his dedication and vision. It almost makes me want to go back to law school. Almost.

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