

## *A Maverick New York Law School Melds Practice and Theory, Emphasizing Ethics*

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### **Body**

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NEW YORK -- When Charles Halpern left Washington, D.C., three years ago to start a law school for the City University of New York, he intended it to be a maverick.

Now, to judge from the job intentions of the 140 or so students who will make up the first graduating class of CUNY Law School at Queens College, Mr. Halpern is succeeding. Compared with most law-school students, his seem less interested in conventional law firms.

Some students are expected to accept offers from large and medium-sized firms or to work as clerks for federal and state judges -- but these are the exceptions. "There's a large group of students looking for public-interest-type jobs," says Nan Feyler, the school's associate director of career planning. Their priorities include civil-liberties law, family law, environmental law and criminal prosecution. "And quite a few want to open their own small-firm community practices," she adds.

That delights Mr. Halpern, the school's dean, who has bet all along that most of the students would avoid conventional firms. To nurture such students and their zeal for the public interest, the school operates under the motto "Law in the service of human needs." More important, it gives no grades and few exams, emphasizes practical skills as well as classroom lectures, and trains students to use the law in imaginative ways.

It is a bold educational departure, whose ramifications are only starting to be felt. The school is so young that its accreditation from the American Bar Association is still only provisional. The first graduates -- this May's class -- won't learn until summer how they fare on state bar

examinations. Yet competing schools, as well as employers who hire lawyers, already are watching CUNY with considerable interest and debate.

The Society of American Law Teachers this month honored the school for its "significant innovations in legal education." But some specialists doubt that CUNY's approach gives students enough of a legal background. Says Terrance Sandalow, the dean of the University of Michigan's law school: "I'm skeptical about the trend toward skills training and clinical education. There are other goals that academic institutions should pursue." While Mr. Sandalow declines to discuss CUNY specifically, it clearly is in the forefront of that trend.

CUNY Law School has about 435 students; many are old enough (45% are over 30) to be seeking second careers. Gary Lippmann, a 33-year-old third-year student with a background as a video producer and labor organizer, hopes to handle workplace health and discrimination issues for a union or a firm specializing in labor law. The school's teachers convey that "law is the single most powerful instrument for social change," he says. "They don't try to tell us where the changes need to be made, but they tell us how the law impacts people in every social stratum."

The school's approach is essentially that of Mr. Halpern, who in 1969 founded one of the first not-for-profit "public-interest" law offices in Washington and later taught at Georgetown University's law school. He says the New York political leaders who pushed for the creation of CUNY Law School for a decade were committed to teaching law in an unconventional way.

(The politicians were also committed to keeping tuition low at the state-supported school. At \$3,725 a year, the current tuition is about half that of many other law schools. The school gets about six applicants for every one it accepts.)

Traditional law schools expose students to vast bodies of legal rules and precedents. The students pore over court rulings and then undergo inquisitional questioning by professors. This method, the schools say, teaches students how to analyze legal problems. But some legal experts say the experience is often one of memorizing facts and rulings in large numbers of cases without gaining any idea of how to apply them. They say many students emerge from three years of law school knowing little about what lawyers do -- or how.

Little about CUNY Law School resembles the traditional. The curriculum for all students throughout the three years aims to integrate basic legal knowledge, practical skills, the use of alternatives to lawsuits, and ethical responsibilities. The traditional law school, in contrast, offers practical training and discussion of alternatives to suing in only a few elective courses, taken by a relatively small percentage of students and often looked down on by faculty members. And the traditional schools focus on ethics in only a single course.

CUNY Law School reorganizes the usual fare and adds more social science, history and societal perspective. Contracts and property are covered in "Law and a Market Economy," torts and criminal law in "Responsibility for Injurious Conduct." Other yearlong courses in the first-year curriculum are "Adjudication and Alternatives to Adjudication" and "The Work of a Lawyer."

The changes are more than a repackaging. Throughout the three-year program, students are divided into groups -- called "houses" -- of 20 to 25 members; each house simulates a small law firm. Students act out a variety of situations in the roles of lawyers, clients and judges.

For example, some first-year students recently played the part of lawyers asked to draft a clause for the standard municipal-construction contract in New York City; the purpose of the clause was to ensure that contractors employ minority workers. In one phase of the simulation, the students met with role-playing community leaders to discuss the subject; later they presented their draft clauses to a professor playing the supervising attorney of their firm.

Work in three different courses, taken concurrently, contributed to this exercise. In one class, the students learned ways to impose conditions in contracts. In another, they studied the politics and constitutionality of affirmative action. In the third, they learned how to write both a memo laying out the issues and the clause itself.

As in this exercise, the school constantly strives to meld practice with theory. "One of the things lawyers from traditional schools don't have, and need to develop, is a sense of putting all the pieces together," says Malcolm Holderness, a lawyer with the New York firm Milbank, Tweed, Hadley & McCloy and a member of CUNY Law School's advisory council.

It is a sense that CUNY students feel they are developing. "This education has prepared us not to look at the law in a narrow perspective," says Paulette Bowles, a third-year student. "We look at the political, economic and social aspects of a problem as well as -- and most important -- the human aspects."

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