Class of 1971 Five Year Report Alumni Comments

University of Michigan Law School

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I feel that I am more intellectually motivated presently than during my law school years. I regret not knowing the direction of my career during law school so as to have concentrated on certain areas which are relevant to me today. I consider my law school experience to have been difficult, frustrating and uneventful. Only in hindsight do I wish I had worked harder, taken additional courses and developed better relationships with an excellent faculty.

I believe that the Law School should not allow the course in evidence to be taught by someone who has not had experience as a trial attorney. In my opinion, what was in 1968-1969 the second semester of Constitutional Law (the Bill of Rights portion) is an integral part of a complete legal education and should be a required course. Many more students, if not all students, should be exposed to the type of in-depth ethics seminar taught by Judge Gilmore.

Section VIII- I have not marked any areas in column (b). If I had, the marked items would reflect those areas in which I have the least interest; they would also be the areas in which I have had little or no experience either in Law School or in practice. Consequently, I feel my response would have reflected unfamiliarity or bias rather than experience. I do feel that the more narrow, more highly specialized areas should be de-emphasized in favor of courses offering training in the broader areas of law.

I feel I obtained an excellent legal education at Michigan, although during my first year of practice I questioned the lack of practical experience (ie, lack of clinical programs, etc.) After five years of practice, I feel the practical application of one's education comes quite naturally, and would continue the past educational process.

Questionnaire should contain questions seeking to:

1) Ascertain correlations
   e.g. a) Law school activities (non-classroom) to post law school professional activities
   b) LSAT's, grades to success as measured by other than financial remuneration, e.g. Personal reflection, esteem, etc.
   Promotions
   Stability
   Level of responsibility
   c) Expectations to realities as perceived

2) Develop information regarding professional responsibility or lack thereof given current state of affairs

3) Sec. V analogee - why do people secure subsequent jobs, etc.

4. Sec. VII B - What training was lacking, other than specified courses,

5) Develop information on perceptions of availability of legal services to sectors of public.
I cannot say enough for the legal education that I received at the University of Michigan. It has prepared me well for my professional endeavors in a relatively painless manner. It was to me a stimulating experience. I say this now, and I said it five years ago.

I am starting a second career after five years with a large firm on the west coast, as I am now with the largest (13) firm in a city of 100,000. After five months I find this much more like I had envisioned the practice as being - stimulating and rewarding from both the sense of economics and ability to serve one's community.

You will note that I see no area where the law school should reduce curriculum. The only problem is that law school, although of sufficient length, does not provide enough time to take all courses that would be of value. The strength of Michigan is its rationale diversity. Writing and advocacy, however, are more important than any 'substantive' course.

I took a one year leave of absence from the firm to serve as Assistant Director of Law of the City of Cleveland. This accounts for the one year I was out of law school and not in private practice and for the fact that I have had two employers since graduating from Law school.

While not necessarily financially rewarding, my attendance at U of M was the greatest intellectual experience of my life, and gave me a feeling for the law as a profession that is seemingly lacking in others. My basic first year courses were the most helpful. Three years of school are barely enough to learn to be a competent attorney. "Practicum" or clinical experience is not as helpful as many would believe.

As I commented in answer to Question VII, while I personally might have changed my electives if I were to do it again, my feeling is that available course offerings while in school have a broad choice. The important advantages received in school were the ability to think through problems and the ability to respond and structure responses quickly and with assurance. The background in Concepts was helpful and necessary but the fine points are not retained. I find the required courses are most often useful to me for general knowledge and a starting point with a problem. I seemed to retain more helpful concepts from them.

As an attorney I have had an opportunity to interview numerous law school graduates and have noticed significant differences between those students reared in a "paper chase" environment and those reared in an environment where encouragement, personal interaction and "confidence building" are important. Too many UM law graduates come to my office "apologizing" for their stupidity - Notre Dame graduates, on the other hand, usually brim with confidence - at Notre Dame a student (so they tell me) is never embarrassed in front of his classmates. I suggest you get rid of those dogmatic, insecure professors (Palmer, Israel, etc.) who display sadistic tendencies.

As with most questionnaires- the questions are so framed as to compel a person trying to answer to select answers which simply do not fit his own thoughts. Anything to squeeze our minds into a computer.

The questionnaire does not seem appropriate for those engaged in legal education.
My income last year was less than previous years because of formation of PC and purchase of a large amount of business equipment; amount stated is joint 1040 income; my wife is also attorney.

This questionnaire reflects the same values (or lack thereof) that nauseated me for 3 years. Not a single question related to what your graduates are doing for society, besides making a good living & acting as handmaidens (sic) for people with property and money. I'm glad to see nothing has really changed in 5 years, except that now you have the decency to admit women. Perhaps some day you'll have the good sense to stop hiring Law Review types & teach people how to practice law with a social conscience.

I had found from my present job experience, that my law school education concentrated so heavily on intellectual gamesmanship and academic mastery of course content that other valuable skills were not fostered or taught. For women, it is especially important for them to know how to handle power, aggression, and business maneuvers. Even though I believe it is important to achieve intellectual mastery of the law, the students admitted to the University of Michigan are already far above average intellectually. I would not want these students to become intellectually lazy, but I do feel the law school should bring in other aspects of legal training in addition to the book learning and minimal amounts of legal writing. I do not think that the clinical law classes had the above-mentioned abilities as their objectives. In my viewpoint, they fostered immaturity.

 Unable to answer (Item X) since spent 6 months of past year in NYU program full-time; have switched emphasis of practice from general corporate to tax as result of tax degree.

The strength of my education at Michigan, and therefore the Michigan element in my professional life, has been the example of discipline and excellence gained from faculty and fellow students. No individual, specialized course or specially gifted teacher could substitute for the broad spectrum of excellence for which Michigan has been and is today accurately noted.

As to IV D - 42 months of obligated military service JAGC UShR

I did not understand question VII B. (I did nothing more than attend class in law school and prepare for class.) Therefore, I could only answer the question by referring to classes which I enjoyed and which relate to fields of law in which I now practice.

Law School courses could be improved by hypothecating more realistic client needs for legal services and then working through a problem solving exercise.

This form doesn't really address what was valuable for those who are now in law teaching. It was not course coverage. Rather it was the experience of being excited about legal ideas and exposure to faculty members who pushed our thoughts to the farthest and inspired persons like myself to want to do likewise. That is not quantifiable - it relates to the quality of the mind of the faculty and their ability to excite others about "The Law."
U of M was great preparation for practice. Thank you and keep up the good work.

I would strongly advocate more emphasis on the practical side of the law. Teaching the theory of law is fine, but there is still a type of "culture shock" which is difficult to hurdle for the law student leaving the ivied walls. Practice-oriented seminars and work-study programs should be used and encouraged.

I am deeply appreciative of the substantive and theory training that I received at U of M. It has been of tremendous help. I only wish that I would have had more supervised practical training so that I would have been more able to put into practice what I had learned.

Much more needs to be done in school in the areas of procedure and trial practice. Little of value in these areas was available when I was in school.

While my "principle occupation" is an attorney in a small professional corporation, the professional corporation has only been in existence since June 7, 1976. Thus, many of my answers must be viewed in that context. This is especially true for questions IV, XI and X.

A particular law school course can teach almost nothing about what is needed to succeed in a particular field. What is needed is a broad overview of a field with the emphasis on what is the purpose and the policy behind a particular action.

A lawyer must develop the ability to question everything; to take nothing for granted.

The Class of 1971 must be analyzed in terms slightly different from the Class of 1970 and before. I began my law school career in 1967. This class, beginning in 1967, was the first class to feel the effects of the Vietnamese war - in terms of the abolition of student deferments. Many of those that began in 1967 did not complete law school in 1970, but left school for various reasons - some to serve in the military and some to pursue other occupations - and have been returning to Michigan Law School since 1971. This may have an effect on the results of your survey with respect to attitudes, occupation, earnings and maturity of those responding. It would be interesting to conduct a survey similar to this for the class beginning in 1967.

With respect to question IX I am divorced. The fact that I am an attorney was not a factor in the breakdown of the marriage.

My Michigan Law School education was excellent. I base this comment on my preparation for practice in comparison with my contemporaries employed and practicing law locally. I believe even stronger emphasis should be given to the basic law school courses and less emphasis to the "pill" type courses. I am finding that the discipline and legal analysis abilities developed by the basic courses to be the best background for law practice generally.
My practice has involved a considerable amount of work in the civil rights area, particularly the area of employment discrimination. During my years at U-M Law School, there was considerable student interest in a course (or courses) on sex discrimination. I now find that I would have found such a course extremely useful and I wish that such a course had been offered. I hope such a course exists now.

Also, I hope that the Board of Visitors is made up of people who are a cross-section of the practicing Bar, and not primarily white, male, upper-income, corporation-lawyer types.

In the field of criminal law, law school left me substantially unprepared, as a practical matter, to go into the court room and try cases - great benefit would come from a moot-trial concept instead, or in addition to, the heavy exclusive emphasis on appellate work.

Looking back, I'm satisfied that I received a very good legal education at U-M. On the whole, the best professors were ones with substantial litigation experience and an ongoing involvement in litigation, and I would encourage considering such activity as a significant factor in hiring new faculty members.

At the time I was there, clinical programs were just beginning, and what I thought was a deficiency in this area might already be resolved. The commitment to recruiting women and minority students, begun during that time, is one which I would encourage the school to continue, especially as I have seen numerous "special admissions" students develop into fine attorneys.

The one area where I find the school's recent experience to be particularly disappointing is the continuing failure to include more women and minorities on the faculty. I hope that the school is able to improve in this area more rapidly in the near future.

The school needs to develop its "skills" or "methods" portion of the curriculum. The case club and second year writing requirement are inadequate.

I am looking forward to studying the results. This is a fine idea.

Note #1: The law firm in which I am working has offices in 5 cities. Total lawyers in firm = 60. # of lawyers in the office where I work = 6.

Note #2: The partnership/associate division w/in my firm is blurred. I am a member of the partnership in the sense I share profits, but I am not a full-blown partner (here the firm has an unwritten 5 yr. requirement before full partnership). Thus since I do have a salary you might better classify me as an employee rather than a member.

I have always felt UM Law School professors should be chosen more for their teaching ability than for their sheer brilliance. There should be more of the caliber of Dean St. Antoine or Prof. Plant, and less of others, who shall remain nameless. The impact on the student body cannot be over-emphasized.
I would be most interested to be informed of any compilation of this questionnaire.

In terms of question nine, it has been my experience that as a government employee that the government, while not completely free of sexism, offers excellent opportunities for women to obtain responsible positions and advance their careers.

Question VII. A. introduces one question (If I were picking electives again, what would I do) and asks another (What offerings should be decreased or increased). I responded to the second question there; if I were to select electives again, I would eschew Law & Psychiatry (or anything taught by Watson, Cunningham or Cooperrider) and emphasize classes that impart an analytical framework to the topic addressed rather than "practical knowledge." This may be because I clerked for firms during summer breaks.

Question X is unclear - Net or gross income. Further it does not reflect the longevity in the current position - in my case 1 year in private practice.
The entire questionnaire seems too generalized. I would be willing to devote more time to receive more valid statistics and profiles.

Despite what might be taken as adverse comments, and despite the fact that I returned to Missouri relatively ignorant of the practical aspects of the law, I do not at this time feel like trading my experiences there for an education at my own state university. I did not really attend Michigan for the acquisition of practical knowledge, or to brag about football, but rather for the experience of competing with and learning from the brightest minds available. That is something not available at most other institutions. Accordingly, I consider myself fortunate to have participated and hopefully contributed.

I found myself, for whatever reason, ill prepared for interpersonal, practical problems of everyday practice. More preparation for litigation--with an emphasis on "how to" would have been helpful. On the other hand, I always felt quite confident in my ability to understand and resolve issues in an orderly fashion and to articulate pros and cons.

Either I missed something in law school, or the organization of this questionnaire is somewhat confusing.

I and II are poorly defined - ie is a suburb of Cleveland a separate city or part of Greater Cleveland & thus a different, much higher population.
IVD - how does one express private solo practice for 2 years prior to law firm partnership - what organizations are you inquiring into? If bar assoc & legal related then my answer is wrong, again due to vagueness in question.

Particular courses generally do not give the depth that the typical employment experiences require. The courses, professors, and interaction with other students with varied backgrounds give the law student a general legal education which hopefully will, with some time on the job, result in he or she becoming an expert in his or her field.
Starting second year in private practice with family law firm. Spent four years with Ohio Attorney General.

When I was in Law School, the Legal Aid Clinic was voluntary. There was no law school credit for Clinical Law. This was, in my mind, my most valuable experience for the practice of law.

I am currently employed by the Legal Aid Society of Suffolk County, a non-profit corporation funded by the county. My practice consists entirely of the trial of felonies on a superior court level.

The importance of the "basics" cannot be overemphasized--Constitutional law, Contracts, property, procedure... If it were possible to structure electives to strengthen and enlarge on a core of classical legal training, there would emerge a graduate with a greater understanding and appreciation for the relationship of law as a functional ongoing process and an equitable civilized society.

In re: III - support from U of M loans and scholarships was identical - each was "third most important."
In re VII your meaning is unclear. I assume you mean what courses were offered rather than a post-mortem on what courses I wish I had taken. If you mean offered, it is hard to say course offerings should be decreased, since others may have found them worthwhile.

I remain convinced that the Michigan law school provided me with truly outstanding instruction and preparation. There has been little in my experiences since which graduation which would cause me to suggest any significant change in the program of instruction.

The most valuable thing I received from the Law School was a diploma that read "The University of Michigan" at the top. That, of course, was a key that opened many doors. The trick to acquiring the diploma, however, was getting into the school, not getting through or getting out. Once through the unlocked door, I am firmly convinced that a person's native ability and personality are the dominating factors in achieving success. This is not to say that Law School experience is not valuable. It is. At Michigan it provided an intellectual yardstick against which one could measure himself and it certainly taught students to "think like a lawyer." However, it seems to me that it is the temper of the steel, rather than the quality of the whetstone, that determines whether the knife will cut the mustard over the long haul.

As indicated above, I am doing work in very specialized fields. I do not believe, however, that specialization in law school is desirable. It seems to me that at least three years study in various fields is necessary to reach that low threshold at which someone can refer to him-or-herself as a lawyer.

I do think, however, that more emphasis in the first year can be placed on modern developments in the fields of law studied--for example, modern cases in contract law as well as contemporary problems the attorney faces in day to day work in drafting contracts. I would also urge more review and discussion of law-review articles as a means of stimulating discussion in class and discussing the policy and direction of the law.
I did not feel that one had much opportunity to get to know the professors at Michigan, the classes were much too large for that purpose. At times I had the feeling that the law school was a factory. Many of my professors were very bright men who were unable to impart their knowledge to others.

Ref IX C (55) I find that the time and energy demands of practice largely preclude an adequate social life, and believe that it would be very difficult to carry out family responsibilities that I have not undertaken as a consequence.

When I was at U. of M. I thought that it was a supremely great law school, though my view was necessarily parochial as it was the only school I knew. Now, after five years of practice, almost all of it in the federal courts across the country, and five years of interviewing job applicants from schools of every size and calibre, I continue to think so. Whatever my individual shortcomings, my legal education was as good as it comes, and I feel proud and fortunate to have had the benefit, and the pleasure, of it.

Those responding to the survey should be advised of the conclusions which are ultimately made (e.g. between LSAT scores, or Law School GPA career results). I would be extremely interested even in preliminary findings.

Although my law school education was superior in the basic courses, I strongly believe that in the more specific 2nd and 3rd year courses, particularly relating to commercial law, there was insufficient practical relevance, particularly in securities regulation, real estate and creditor's rights. Also, I believe that a more effective course in legal draftsmanship would have been helpful, probably for any eventual field of practice.

From 9-75 to 10-76 I practiced with Lunc & Butt, S.C. Minocqua, Wisc. doing general practice work in a 2-man firm. I have now returned to the job I took upon graduation and the questionnaire is answered as to my current position. I feel very differently than do most people about law school education. Since very few people graduating from Michigan go directly into an un-supervised practice, I feel that the school should not attempt to "train" lawyers, but rather to educate legal scholars. I do not feel it is necessary that a graduating U of M law student have any practical skills; he will learn them in practice. Rather, the law school should do what it is not equipped to do: educate.

Note: my answer to question VII deals with my choice of classes, not with the school's offerings.

Re: X: Salary reflects current annual salary. I was not employed August, 75-April, 76. Strongly believe should be no more than 2 yr. curriculm and there should be much more guidance to graduating students. The range of opportunities open for lawyers should be conveyed & info disseminated as to what these different jobs entail. Lecture method loses most of effectiveness for students after 1st year. Seminar, research & clinical program should be basis of second (and last) year. I was so bored after my first year, I almost dropped out, even
though I was a good enough student to be graduated cum laude. My motivation was despite the in-bred, archaic lecturing methods. The high intelligence and deep interest in the theoretical issues of law of the faculty is not taken full advantage of by these methods.

A more thorough exploration of all job experiences since graduation from law school would be useful in a study like this one.

Having worked in Michigan and now Ohio, I find U-M Law's reputation & quality of its graduates is virtually without peer. Other U-M attorneys with whom I've worked are without exception more competent academically & otherwise. It is clear, however, that most, myself included, find (with hindsight) that the practical application of the legal education is often difficult because there are so many non-academic or substantive factors involved in a practice or career. Professional responsibility & conduct is one area that should be stressed in school & then refreshed periodically. For U-M to seek to shift its emphasis to the practical areas of practice would not be useful since those matters are primarily personal & a matter of experience in any case.

My education in the law school has held me in very good stead. The advice not to specialize, which I took, was sound advice. It was a temptation to over specialize in law school, but that would be a mistake. On the other hand, Michigan permits enough specialization to provide a solid start. I have only praise for the law school.

Generally I think the questionnaire is an excellent idea and I will be interested in the results. However, it points to a lack of ability to communicate with fellow graduates from the law school. It would be helpful to me and I feel beneficial to the long run relationship with the law school to have a continually updated alumni directory with some indication of what graduates are doing.

I have found my legal training at Michigan to be of great help in my profession. I believe that I am better trained than many of my colleagues. I have found the "hard" courses which are required in the first and second years to be most useful. I took many "off-beat" seminars and took full advantage of the program permitting 6 hrs. of non-law school courses. This has given me some insight into other areas at a serious level. I believe I am richer as a result. The experience I gained in working with people in legal matters while serving as a judge on the student courts and as member of a student/faculty committee gave me some advantage at the start of my career.

I have just moved from a large firm in a metropolis (with a X-7 salary) and could not be more pleased (see II and note that I prefer the personal contacts of small town practice). My legal education well prepared me for the large and the small practice.
This questionnaire is somewhat difficult to complete accurately because of my particular situation. When I graduated from the U. of M. I took a job at my present law firm, then left for 3 1/2 years to fulfill my military obligation in the Navy JAG Corps. During that time I did criminal work for 1 1/2 years, legal aid work for 1/2 year, and taught criminal law for 1 1/2 years. Upon release from the USN I returned to my law firm as an associate in the Probate Dept. Since my law school education was geared primarily toward business law (at that time I intended to be a corporate attorney) I have found much of what I not particularly related to my practice, largely because of my own course selection. However, I believe that the very high quality of my legal education at U. of M. has enabled me to adapt to my present career. If there is a deficiency in my legal education it was in my research and writing skills. This is even more surprising since I was on the Law Review.

The primary failing of my legal education was not providing a greater opportunity to "practice" the skills of client contact and court room performance with constructive criticism by practitioners, professors or fellow students through direct observation or video tape. I am not so much advocating placing more students in actual practice contexts (i.e. Legal Aid) where the constructive criticism is minimal; rather the creating of courses where students see and are criticized by each other in actual oral argument, examination of witnesses, witness interviews, etc.

My corporate law preparation was excellent but my securities practice preparation was poor. I had no experience, nor had I ever seen, a Prospectus, a 10-R (?) or any other SEC form.

I greatly value my Michigan law school education and, if given the opportunity to select a law school today, would elect Michigan. I believe that I was too young to fully benefit from my first year of law school (I was 21 when I commenced law school). My impression was that many of the better students had had some significant positions of responsibility in industry or the military services.

VII C. After graduation, I clerked for a judge on a local court of general jurisdiction, an experience I viewed as a continuation of my education. The clerkship greatly improved (1) my appreciation of the legal process and (2) my ability to analyze and solve legal problems.

More law courses relating to the actual practice of law should be offered especially for those interested in practicing alone or in small firms.

Since I am now doing a doctorate in a non-law field, perhaps I could be most helpful by discussing my most significant legal work since leaving Michigan working as law clerk to Mr. Justice (then Judge) John Paul Stevens of the 7th Circuit. I began to clerk after two years away from law. I was worried about my knowledge of rules, cases, precedents, etc. During the year, however, I found information of this sort extremely easy to find when, in fact, I didn't know it. But, even after 2 years in Oxford, I was not as good at the philosophical analysis of the underlying values of the law as I wished--and it was in the hardest cases, the one's that 'really' mattered, where this appeared most. My affection for Michigan and many of my teachers (cont)
is deep and abiding; but I must say that too many of my classes, and too much of the ethos of the school, stressed the very skills which were the least important to me when I held a position in which what I could do mattered the most.

I think there should have been more emphasis on communication both written and verbal and on ethical considerations in Law School. These are the areas where I have noticed weakness in the profession. Lawyers do not express themselves clearly - they get lost in their rhetoric. Many lawyers seem to lack any ethical principles. This deficiency is particularly disturbing after Watergate.

I have found, in general, that the study of law has little if anything to do with the practical aspects of the practice of law. For instance, drafting skills are in no way emphasized in law school, making the initial drafting of documents in practice a rather aimless and frightening experience. The application of substantive principles to realistic situations (in the corporate area) must receive more attention in the curriculum.

Instrument poorly constructed.

The answers speak for themselves, to the extent the form allows.

All I would add is that I am hopeful that the Law School will consider easing away from the traditional 1st year courses; & giving greater emphasis to small group or individual experience, whether they be in clinical or research work. Overall, I found many faculty members to be inspiring & instructive.

My answers are somewhat misleading since we just moved from Wash. DC where I was employed with the Antitrust Division of the Justice Dept. There I found very valuable my courses in international law and international trade. The greatest lack I found in my education is basic courtroom experience (procedure rules, evidence rules) and discovery/investigative techniques.

Because I feel my present situation is atypical, I have not answered the questions. I am a member of the Illinois Bar and I served as Assistant Attorney General of Illinois in the field of Workmen's Compensation from 1973 to 1975/at an annual salary of $13,310. I am presently studying for the Colorado Bar Exam.

I regret not having had courses in Constitutional Law (individual rights), administrative law, trial tactics/practice and family law/estate planning because I must constantly work in these areas without any background. I think a little time ought to be devoted to explaining the system of community property in one of the basic courses.

Enjoyed & liked Kamisar, kSiegel, Sax. Appreciated Sandalow, Miller. Admire Stein.

Relative to Sections III and X, the answers may not be meaningful as I have in the past and do now derive most of my income from real estate investments.
Law School has taken the fear from litigation and has given me a realistic opinion of practicing attorneys.

The study of appellate decisions, with which law schools almost exclusively concern themselves, should false up no more than one year of the training of a practicing lawyer (as distinguished from a law professor).

The law school should never discontinue its training in legal writing, research & analysis. It is surprising how many licensed attorneys are unable to express themselves with precision and clarity, in letters, memos, briefs, etc. and (2) do incomplete analysis and research. My ability to write well, to research carefully and accurately, and to analyze a problem have been my greatest strengths in my work in estate planning and tax work.

In general, I was very pleased with my legal education and am fully appreciative of the fact that one cannot learn every subject in law school. I do believe however that: (A) Those students who, for whatever reason, do not take an antitrust or trade regulation course in law school, have no idea how restrictive and far reaching those laws are. I would recommend the availability of a one-hour course that simply exposed individuals to the general areas of regulations so that individuals who have business leanings can at least be made generally aware of the broad prohibitive effect of these laws. As an individual who was unable to schedule an antitrust course in law school, (but later took the course while in Business School), I am aware that when I graduated from law school I still assumed certain corporate behavior was perfectly legal (e.g., Tying and franchise restrictions Dairy Queen), and had I had been asked to advise in regard to such matters, antitrust would never have entered my mind. (B) There should be a course apart from what was taught in Business Planning for those students who are interested in corporate/corporate advisor positions. Business Planning taught primarily "A", "B" & "C" reorganizations. I would recommend a course which broadly touched upon a practical array of business subjects: e.g., (1) What are the pros and cons of using incorporated subsidiaries vis-a-vis simply having it as a division; (2) Bank participations; (3) Sources of corporate funding; and (4) triangular mergers.

Biggest voids in law school education were:
1. Preparation of legal documents - pleadings, discovery (interrogatories, motions), contracts, settlement agreements, etc. This does not necessarily require a clinical environment.
2. A tactical approach to legal problems. For example, in Evidence, not just whether a fact is admissible, but how to get it admitted. Also, how to acquire jurisdiction. This would make course more interesting--Prof. Bishop did it with his small class in admiralty.

Although I think that the "Socratic"-casebook method of teaching is a necessary and perhaps the best method of introducing the basic concepts of the law and the principles of legal analysis, I think there was an overemphasis on that approach in teaching at the Law School. It is a highly inefficient method of teaching. Its greatest contribution is teaching a means of analyzing legal problems. Once the student has mastered this system of legal analysis, or "thinking like a lawyer," the inefficiencies of the method begin to outweigh the benefits derived.
I believe that after the first year survey courses have been completed, less emphasis should be placed on the socratic method and more on alternate approaches. As the course becomes more specialized, I think more emphasis ought to be placed upon problems faced by the practitioner. There ought to be more Learning By Doing, not only in the context of clinical law, of which there has been much discussion, but also in the areas of legal draftsmanship and practical exercises in applying the legal principles being developed in the course. This approach would be particularly meaningful in the third year in that drafting an Estate Plan or Loan Agreement; or writing a memorandum on a Business Reorganization Plan or a Corporate Merger requires integrating what has been learned in preceding related courses.
XI. Comments

My post-law school experience is insufficient to support any fixed conclusions arising from a comparison between that experience and my legal education. I have come to a tentative view, however, that is strong enough to warrant mention here. The dominant impression left on me by classroom instruction and preparation for it -- the case method of learning and the Socratic technique of teaching -- was that a lawyer's principal calling was to champion his client's cause in a litigation setting in which a premium would be placed upon a creative use of decisional law, in oral or written argument, to support the result sought. My legal experience to date teaches me that this impression -- if indeed created by law-school content and methods -- is misleading, and that fostering it is unwise. It misleads because it emphasizes advocacy to the sacrifice of other functions a lawyer must perform which seem to me to constitute the bulk of practice: planning transactions, determining existing law and resolving controversies short of litigation. Insufficient attention is, it seems to me, placed upon careful drafting and its concentration on ascertaining a client's true intentions and anticipating and avoiding future conflict, whether in wills, contracts or legislation; upon the laborious, even tedious chore of mastering the facts of a given situation and maintaining a non-zealous detachment in considering their legal significance; and upon the lawyer's continuing responsibility, to his client and the public interest, to seek the neutral ground where compromise may be achieved, and to negotiate rather than litigate. Fostering the misleading perspective which I perceive appears to me injudicious chiefly because it advances contentiousness over conciliation or conflict-avoidance. A prime example of this criticism may be found in early Watergate, when sentiment for a Cox-Wright constitutional confrontation in the Supreme Court nearly obliterated prospects for an out-of-court settlement. Living is difficult enough for us all; as we relate to one another and our Government, we could perhaps best be served by a legal profession that internalizes at the outset a primary devotion to making and keeping peace at the conference table rather than public argument and victory by judgment.

My point, however well-taken or misconceived, concerns only a shift in emphasis, in underlying instructional focus, with the objectives of providing a more realistic law-school portrayal of and preparation for legal practice and of bringing about a corresponding shift in professional attitudes toward a lawyer's proper role as a public servant with the special responsibilities he has under our form of government. If my thoughts have any merit, they may seem to call for a strengthening of the curriculum in areas students might find comparatively less enjoyable: drafting, factual development, preserving objectivity and negotiating. But at this stage of my career, these strike me as inherent in the life-blood of lawyering. Early and consistent exposure to them would therefore be important, and making them seem appealing and worthwhile a task a great law school could turn to with vigor and imagination.

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