

10-2015

Where Tradition Meets Innovation: Providing a Practice-Oriented Curriculum

Andrea Lyon

Valparaiso University, Andrea.Lyon@valpo.edu

Follow this and additional works at: http://scholar.valpo.edu/law_fac_pubs



Part of the [Curriculum and Social Inquiry Commons](#), and the [Legal Education Commons](#)

Recommended Citation

Andrea D. Lyon, Where Tradition Meets Innovation: Providing a Practice-Oriented Curriculum, *Res Gestae*, Oct. 2015, at 15.

This Article is brought to you for free and open access by the Law Faculty Presentations and Publications at ValpoScholar. It has been accepted for inclusion in Law Faculty Publications by an authorized administrator of ValpoScholar. For more information, please contact a ValpoScholar staff member at scholar@valpo.edu.

Where tradition meets innovation: providing a practice-oriented curriculum

When we talk of research skills, a good lawyer learns quickly that they encompass more than the library, more than the Internet and more than our personal life experiences. The facts do not arrive in three tidy paragraphs at the beginning of an appellate opinion – they are out there in the world, and a good lawyer has to go find them. The changes in legal education that we have made and are making at Valparaiso Law reflect this.

I learned this lesson as a young public defender when I was working on a home invasion and burglary case. The homeowner could not make any identification (he interrupted the person who then ran), and the sole piece of identifying information was a fingerprint found on the sill of the window that had been forced open. Now, we all watch television and have learned that fingerprints are a way to solve a crime. The way it works is that points of comparison between the unknown or latent print and the suspect's print are compared, and if there are enough of them, an identification is made. What is less well known is that this is far more an art than a science, and that there is disagreement about how many points of comparison are needed to say, "This is the person." I found this out by reading forensic texts and journals. The FBI requires a minimum of eight points, while most other forensic scientists consider 12 points more reliable; Indiana has no set number. In this case there were seven, but the examiner's report read "match."

So I called the fingerprint examiner and asked for an interview. He agreed and explained to me what he had done as well as the process for such examinations. The lab wasn't what I expected. It was (at that time) on the second floor

of police headquarters in Chicago. It was dusty, crowded and windowless, and had spiders in all the corners. Nonetheless, I asked the examiner if I could follow him around a bit and watch him work so I could understand what he did better. He was a straightforward person, so he said yes. I spent the next two days watching him (and others) work. After a while they all kind of forgot I was there – the same way people forget about cameras. I learned a lot over those two days. I found out that they used a lighted box to put the two prints – known and unknown – side by side to compare. I learned that when they had questions or wanted another opinion they would write that on the cover of the manila folder, not on a piece of paper on the inside that I would normally get in discovery (another great lesson). And I found out more from what the examiner didn't say than what he did, that he wasn't comfortable with his conclusion and two of the points were iffy for him.

The fingerprint was the whole case. I had an African American client who looked like the stereotype of what my jury would think was a home invader. He had a minor record for drug possession and the like, and I had a sympathetic victim who had been rightfully terrified. If the fingerprint went unchallenged, the "match" would have convicted him. But it didn't because of the research I did and what I learned. When it came time to cross-examine the examiner, the prosecutor said something like "Miss Lyon may have some questions for you," and as I stood up, the examiner shook his head ruefully and said, "Don't I know it. She's been *living* at my lab!" I respectfully drew out the problems with the identification, with the two iffy points and the number

of points generally, and the jury and I reached the same conclusion – this just wasn't enough.

So why am I telling you this story? Because it's all of these things – a willingness to learn, to find the facts, to research the area of law or forensic science, and to not make unwarranted assumptions based on our own biases.

This is what our new curriculum at Valparaiso Law – now in its third year – is all about. We are addressing the changing dynamics in the legal profession and preparing our students to be practice-ready. First-year students engage in client contact and learn how to interview effectively. Regardless of the kind of law you practice, transactional, litigation or regulatory, strong interviewing skills are critical.

We require innovative new courses on the foundation of legal analysis and professional communications that are taught by senior faculty. Our rigorous training in legal writing begins in the first year and extends into the second and third years. Our curriculum includes traditional seminars, plus courses on appellate advocacy, legal drafting, legal journalism, and specific subject-matter advanced legal writing and drafting courses. Our graduates are earning a well-deserved reputation for strong legal writing and research skills. Our practical-skills training extends from the beginning of the first semester to third-year practicums, nationally recognized externships (at more than 180 different sites) and nine live-client clinics in one of the oldest clinical

(continued on page 17)



Andrea D. Lyon
Dean & Professor of Law
Valparaiso University
School of Law
Valparaiso, Ind.
Andrea.Lyon@valpo.edu

DEAN LYON

continued from page 15

programs in the country. Established in 1967, the Law Clinics are housed in our own law firm on campus and in Chicago. Students gain practical experience by representing disadvantaged clients who would not otherwise have access to legal services. Our goal is to see to it that Valparaiso Law grads are practice-ready on graduation day and consider their role as lawyers as a calling and a desire to serve, and not just a job.

For too long legal education has separated the intellectual from the practical; those barriers are being broken down here and in other schools across the country. We have to remember that a person – the client – is depending on us. Whether it's a contract dispute, a criminal case or the drafting of a will, these are real people who are relying upon our expertise and insights, and it is our privilege to represent them. Our duty as educators is to prepare our students to do the work necessary, invest the time to get the right information and to see that the work is done well – even if it means spending two days in a dark fingerprint lab filled with dust and spiders. ☪

The ISBA Leadership Development Academy Class of 2016 application is available at the State Bar's website, www.inbar.org, under "ISBA News."

For more information on LDA, see p. 7 of this issue of *Res Gestae*.

Questions?
Contact Catheryne Pully on the State Bar staff
800/266-2581
cpully@inbar.org

Supreme Court publishes annual report

The Supreme Court annual report (July 1, 2014 - June 30, 2015) is now available online and at the Law Library in the Indiana Statehouse. The 58-page report provides information about the work of the Court and its affiliated agencies. In addition to providing statistics on the nearly 1,000 cases considered by the Court, the report also details the administrative work of the judicial branch. Read the report at courts.in.gov/supreme/files/1415report.pdf. The five justices – Loretta Rush, Brent Dickson, Robert Rucker, Steven David and Mark Massa – heard oral arguments in 62 cases and handed down 100 majority opinions after reading thousands of pages of briefs. Nearly 78 percent of the time, Court opinions were unanimous. ☪

PERSONAL INJURY
ATTORNEYS

REFERRAL RELATIONSHIPS ARE BASED ON TRUST. LET US EARN YOURS.



Paul Kruse and Tony Patterson

We understand that relationships matter. Especially when you need to refer a client for help on a personal injury case. You want to know that both you and your client will be respected. Tony Patterson and Paul Kruse pride themselves on treating you and your client right as they strive to obtain the best possible measure of justice. Give Tony or Paul a call. We look forward to earning your business. But first, we'd like to earn your trust.

**PARRICHEY
OBREMSKEY
FRANDSEN
PATTERSON**
ATTORNEYS AT LAW

INDIANAPOLIS, IN LEBANON, IN 888.532.7766 WWW.PARRINJURY.COM