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CURRENT TRENDS IN LEGAL EDUCATION AND THE LEGAL PROFESSION — AN ADVOCATE'S VIEW

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I am pleased to introduce this fine *Symposium* with some general remarks from a member of the practicing trial bar. The views of leaders in the academic community, the judiciary, and the bar generally are very adequately presented by the distinguished authors the editors have recruited. Indeed, legal education today has rarely been dealt with by such a knowledgeable group.

I have long admired the work of the approved law schools in this country and have had a chance to observe that work in various capacities, both in the American Bar Association (ABA) as an accrediting agency and in other groups. I have also done some part-time teaching at Yale and New York University Law Schools and have been deeply interested in continuing legal education, now apparently, at last, coming into its own through cooperation among bench, bar, and law school. For a number of years I have also had the pleasure of working, as a member of his board, with William Pincus, who has done such a phenomenal job encouraging the introduction of clinical legal education into law schools. Because the law is not a mere trade, I have never agreed with those who were broadly critical of the schools and who urged that more time should be given to a species of trade school training. Nor, on the other hand, do I agree with those embattled academics who argue that the bar should have nothing to say about what or how law schools should teach. In a profession in which adequacy of service to the public must be of primary concern, there should be no ivory towers where no one will listen to appeals for improvement from qualified and dedicated sources.

It seems to me that, at present, we are approaching a good equilibrium between the theoretical and the practical, making legal education most useful and fruitful. No doubt adjustments are needed to correct imbalances as they appear. The intellectual development which follows from the hard thinking required of law students by inspired teachers of legal theory and practice in broad fields of law still rightly occupies the predominant part of every

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curriculum. The ability to make correct analysis of legal problems and the capacity to choose among possible solutions is basic to everything else. But, through the introduction of clinical legal education and through added emphasis on moot court, trial practice, and legal aid experience, law school training has added a dimension of dealing with real human beings and their problems which will be invaluable in actual practice.

Particularly through legal aid and related experiences, the student becomes familiar with the needs and problems of the poor and often friendless and acquires a sympathy for them which will enrich his life and give heart as well as mind to the profession. Through other clinical exposures he will be learning the art of persuasion, the art of negotiation, the importance of preserving amenities in dissent, and how to make law most useful where it is most needed. No one supposes that great advocates can be turned out with a sheepskin and no extensive experience; however, the rudiments must be teachable, unless teaching is less enterprising than I have found it to be. Furthermore, he will be learning how to deal with adversaries and courts in a way consistent with the great traditions of the profession. Trustworthiness in their dealings can be given the great importance it deserves. Greater concern in all law schools with teaching legal ethics, due in some cases perhaps to the recent requirement of the ABA that such instruction be given in all approved law schools, is a useful development. Hopefully, this means that the student will also be learning the importance of maintaining the spirit of brotherhood in the profession — one of its great hallmarks and joys. With that goes the deep satisfaction derived from skillful performance of professional duties in full accordance with professional standards.

The great lawyers have been those who loved their profession most, served it with greatest devotion, and got the highest degree of pleasure and satisfaction out of their relations with judges and other lawyers. They represent the ideal which law students can be encouraged to emulate. In this connection, it is pleasant to remember the remark of the greatest advocate of my time, John W. Davis, who argued a case in the Supreme Court after he was 80 years of age. When a newspaperman asked how it felt to argue a case at his age, he merely replied: "I was glad to find that there was still a tune in the old violin." I know, from experience, that St. John's Law School has made notable strides in training lawyers because two of my talented law partners are outstanding St. John's graduates specializing in the trial field: William J. Manning and Roy L. Reardon.