

# Practical Internship needed in legal education

By John Ritter

Legal education today does not prepare lawyers to practice law. They lack practical experience to plan, negotiate, draft, and advise, as well as to conduct trials and closings. Bar membership must be premised on something more than graduating from law school and passing a bar examination that is merely a summary of three years of legal courses. The history of American legal education and its relation to Bar membership leads me to recommend a major addition to current requirements for Bar membership—a period of internship.

Before the turn of the century, most legal education in America was not received in law schools. The most common route to the bar was office apprenticeship and "reading the law" in a lawyer's office. Since law schools competed with law offices, formal legal education remained oriented toward practice.

In the last 75 years, we have done a remarkable about-face. School has

become the rule rather than the exception. In the 1920s there were still two-year law schools, and admission was directly from high school. Only in the 1930s and 1940s was a college degree seriously considered as a prerequisite to law school. This higher education requirement found its way



into state bar rules in the 1940s, resulting in the rigorous structure we are caught in today of college-law school—and bar examination. If longer education were synonymous with better lawyers, then the profession would profit. Unfortunately, several factors lead to an opposite conclusion. First and foremost is numbers; large lecture classes are no way to learn the practice of law. If physicians were taught anatomy by the lecture method, the public would be shocked and the medical profession condemned; however, when lawyers learn evidence in large lecture sessions we accept it. Today's law student completes a course in civil procedure without ever seeing a complaint or a motion; and "A" students in contracts have never drafted or negotiated a

contract.

One reason for the lack of practical preparation in our law schools is the implicit belief of legal academics that the mastering of appellate cases makes one an expert in a field. In fact, the case method used in all law schools is simply the most expedient method for one professor to teach many students.

A second reason for lack of practical preparation in law school lies in the contempt for law practice held by the majority of law professors. The problem of the profession today is that legal education has been captured by academics, while at the same time, academic education has become enshrined in state and national bar association rules.

Law schools have gone from one extreme of practical office-oriented legal education, to that of impractical academic education. This is not to say that law school education is bad; it is probably better and more rigorous than any in America today. It just does not prepare its graduates to conduct court cases or advise clients about legal matters. Nor do bar examinations serve this purpose; they are simply a double-check on law schools to see that the lawyer knows how to deal with legal principles.

It is time for the American legal profession to return to a middle ground between academics and practice. Bar admission should be pre-

mised upon a law school degree, as well as some practical experience. This is the system of European and South American countries, as well as England and Canada; a law degree is not synonymous with membership in the profession. Academic legal education is a distinction, but does not confer professional status. Some period of practical experience—call it internship, clerking, or apprenticeship—is necessary.

Law school clinical education could be the answer in America, but is not because it is not a required part of the curriculum, and as presently structured, is too synonymous with poverty law and criminal law. Clinical education has great potential, but is still awaiting merger with the mainstream of law practice—that civil and business practice engaged in by the majority of lawyers and law firms.

It is time that we look to the model of states like Delaware, Maine, and Rhode Island, which experimented in the 1960s with required three-month law office clerkships prior to bar membership. If this were adopted, American legal training would regain some necessary practical balance.

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