

Opening Remarks

Pamela Lysaght¹

On behalf the Association of Legal Writing Directors, I want to welcome all of you to the Association's Third Biennial Conference, whose theme is "Erasing Lines: Integrating the Law School Curriculum." A number of people have worked hard during the past year to make this conference possible. I'd like to take this opportunity to thank Amy Sloan from University of Baltimore and Vice-president-elect of ALWD for developing and coordinating all aspects of the conference program; Brad Clary and Susan Miller from University of Minnesota for planning and coordinating all the site arrangements; and Sue Liemer from Southern Illinois University for developing the conference registration and brochure materials. I'd also like to thank our cosponsors, the University of Minnesota and West Group, for their generous financial support.

When I first started teaching a number of years ago, I asked a distinguished lawyer this question: "What do lawyers know that allows them to fulfill their function in the legal system that other people don't know?" He thought for long while, as I knew he would, and then answered: "I don't know what body of knowledge that lawyers uniquely have, but I know what lawyers do."

His point was that an educated person can read a case or a statute and generally figure out what it means. And scholars in the humanities and social sciences are able to bring their disciplines to bear on various aspects and manifestations of the law, often with results that enlighten the profession as well as challenge beliefs and assumptions about the law and the way it works. But these people are not lawyers. They don't do the things that lawyers do.

Law is an applied art. Knowledge of doctrine must be accompanied by mastery of the application skills—the craft. A surgeon may have an encyclopedic knowledge of anatomy and surgical techniques. But if she had never performed a surgery, then she would not be a candidate to operate on me. How would any of us feel if just before the anesthetic was administered, the surgeon confessed: "This is my first operation. I've studied the theory of how to operate and watched a lot of videos, but I've never actually made an incision. Don't worry—I graduated first in my class."

1. Director of the Applied Legal Theory and Analysis Program at University of Detroit Mercy School of Law; ALWD President 2000-2001.

An imperfect analogy? Perhaps. But some law school graduates enter the profession after spending the vast majority of their time in law school reading and discussing appellate cases. The only practical skills they have acquired were as a result of preparing memoranda and an appellate brief—hardly adequate training to begin representing clients.

This is not entirely the fault of law schools. As we all know, not too long ago it was assumed that law school graduates would go to work in law firms for fairly low wages. In return, the firm was expected to teach the craft of the law, thus completing the graduate's education. The degree to which that assumption was ever realized is debatable. But one thing is certain: few if any are making it now.

With some law school graduates collecting annual salaries in the six figures as soon as they get their license to practice, coupled with the number who immediately go into solo practice, there will be increasing pressure, both economical and moral, for graduates to enter the profession with the skills necessary to competently represent clients.

Unfortunately, many law schools are ill-prepared to meet the new realities of the profession because the law school curriculum developed in such a way that the learning of doctrine was severed from the intellectual challenges posed by acquiring a deeper understanding of the craft. This partition is not only unjustified on intellectual grounds, but it has impaired the central task of legal educators—to transmit the great and noble traditions of the practice of law to the coming generations of lawyers who must be equipped to knowledgeably, skillfully, and ethically fulfill their roles as practitioners and administrators of the law. This conference was called in an attempt to move forward in meeting our challenge as legal educators.

Again, welcome, and thank you for your willingness to participate in this dialog.