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William Pincus

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# CLINICAL TRAINING IN THE LAW SCHOOL: A CHALLENGE AND A PRIMER FOR THE BAR AND BAR ADMISSION AUTHORITIES

WILLIAM PINCUS\*

After many years of benign neglect, a number of leaders in the bar and on the bench have begun to show concern for whether our lawyers are being adequately trained. This is a long-overdue and most welcome development, especially to those of us who have been working for the last 7 years in the Council on Legal Education for Professional Responsibility (CLEPR) to change the curriculum of the law school to include clinical legal education for the law student, *i.e.* lawyer-client work by law students under law school supervision for credit toward the law degree.

By now most law professors and many in practice and on the bench are aware that the author believes that every law student should have clinical training before graduation from law school. The purpose of this Article is to demonstrate that law schools have started to change; that the dynamics of change and the mysteries of legal education can be explained in familiar terms; that the resistance to change by those in favor of the status quo, whether they are law teachers, lawyers, or judges, does not show concern for the public's right to better trained counsel; and that it is the responsibility of the bar and bar admission authorities to show such concern, to become very much more involved in preadmission legal education, and to advocate better education and training in law school by requiring clinical legal education for law students.

Two of the hottest issues now debated in the legal profession, continuing legal education (CLE) and/or specialization and admission requirements for practice before the federal bar, are treated in this *Symposium*. The way the issues in these debates are currently framed, however, largely overlooks the essential first step: better legal education in the law school. The controversies as they are now stated deal with the situation of the member of the bar after he has been admitted to practice. But, what urgently needs most of our attention is what has been required by way of education and training before admission to practice.

Chief Judge Irving R. Kaufman of the Court of Appeals for

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\* President, Council on Legal Education for Professional Responsibility, Inc. B.A., Brooklyn College, 1941; M.A., American University, 1948; LL.B., George Washington University, 1953.

the Second Circuit and Robert L. Clare, Jr., have been courageous and correct in saying that the courts, the bar, and the law school should be concerned with practical competency. Since federal courts are not the basic authorities governing the admission to practice, their efforts also serve to highlight how little attention the state bar admission authorities have been devoting to the question of training lawyers who are first applying for admission to the bar. There would be less need for the Kaufman-Clare efforts if the state authorities were active in fostering competency. With the exception of a recently created California State Bar Committee on the practical training of law students, there has been only one move by a state board of law examiners and a state supreme court to recognize as well as come to grips with the problem of competency. The recent action in Indiana with regard to rule 13 of that State's rules on admission is significant. It stems from a valid and sincere concern with the results of bar examinations. The effort in Indiana, however, may not yet have been seen as being as directly related to the matter of competency as is the work in the Second Circuit; though it is and has to be. These efforts have drawn unwarranted and unjustified criticisms from many quarters in the bar and on the bench. These defenders of the status quo have opposed any change in requirements for admission to practice. Some have almost waxed lyrical in extolling the virtues of new young lawyers, as though the difference in age between generations in the profession and the dedication of the young to social causes guarantee improved competency. One can only hope that other matters of evidence in the administration of justice are looked at with more concern for relevance to the issues.

Where there is so much opposition to change in preadmission education and training, one may be pardoned for a substantial degree of skepticism about the newly revived concern in the organized bar and in some state supreme courts for competency *after* admission to the bar. It appears to be a classic case of locking the stable door after the horse has escaped, *i.e.* after a partly educated and untrained lawyer is given a license to practice. Those who are now so active in promoting CLE have shown practically no interest in assuring that adequate clinical training be provided while a law student is still in law school. Certainly CLE is desirable, but should it not be preceded by concern for how we educate lawyers before they are given a license to practice? Is there not something to learn from others? In medicine, for instance, clinical training under educational auspices precedes the granting of the license to

practice. Even specialty training follows immediately upon completion of residency and internship and does not await a later period in the doctor's life. This keeps all of the training in an educational environment. Thus, before relying on continuing education, medicine relies first on good practical training. Without enough attention to what preadmission education for a lawyer ought to be, all the attention now given to CLE is most likely to result in a vast business employing instructors and giving the bar a better image because it appears to require lawyers to "keep up." Without the proper foundation in preadmission education, however, such CLE can do little to give the public more competent legal services.

Therefore, the bar and bar admission authorities are not fulfilling a prior responsibility, concern for competency before admission, if they continue to be preoccupied exclusively with postadmission education. Instead, they must turn their attention and efforts to preadmission education and training. Although law schools resist any intrusion into their present regimen, professional training cannot be the sole preserve of legal educators. In addition to the need to guard against parochial and even selfish interests on the part of educators, there is a positive need for interest in, and supervision of, the law school curriculum by bar admission authorities. It is their responsibility to assure the public that the novice lawyer has a minimum degree of competency and that, before he practices on his own, the new lawyer has seen or worked with at least a few clients under educational supervision. If graduation from a law school and completion of its approved curriculum is a condition for admission to practice, then what happens in the law school is everybody's business, and particularly the business of the bar admission authorities and the bar. We should also be clear about what is involved. We should understand that we are talking here about methods of teaching and not about viewpoints on various doctrines of law. The latter are properly within an area of free expression by teachers; the former are properly of concern to everyone since they relate to skills, competency, professional development, and the right to a license to practice as a member of a profession.

Much has been happening in the law schools by way of incorporating clinical education. The change has involved and is involving tension and struggle. Although the courts and the organized bar in the various states have been instrumental in authorizing student practice in clinical programs under student practice rules, there is not enough awareness and understanding on the part of

lawyers and bar admission authorities of the ongoing changes under these rules. What is happening in the growth of clinical legal education is reported annually every May in a survey and directory of clinical education published by CLEPR. The following is a statistical summary of the situation regarding clinical training in the law schools as reported in the last annual survey and directory in May 1975.

In a student body of approximately 110,000 students, 28 percent of the full-time, third-year law students and 18 percent of the full-time, second-year law students are getting a clinical experience in law school. Overall, 24 percent of the full-time students in the second and third year of law school are benefiting from clinical legal education.

What are the models of a teaching law office utilized by the law schools? A survey of 346 clinical programs in 127 law schools reveals that 32 percent of the schools have a law office located in the law school itself where clients and students and their supervisors are working in a service setting. Thirteen percent of the law schools locate their students outside the law school itself, but in a physical facility used exclusively by the law school for its clinical program. Forty-five percent place their students completely outside of the school in an agency office, and 10 percent use a combination of these methods. As for supervision, the 32 percent of the programs which have their students in a law office operated by the school have their students completely under law school supervision. Another 9 percent of the programs have the students under complete law school supervision but in an office not operated by the law school. Thirty-four percent of the programs have their students in a nonschool office and in a situation where they are either supervised partially by the school or supervised entirely by operating personnel of the office. The remaining programs have their students in varied supervisory situations which may include a combination of the foregoing.

What are the skills or areas of clinical training? Forty-one percent of the programs provide special training in professional responsibility; 66 percent in interviewing; 54 percent in counseling; 65 percent in factgathering and investigation; 54 percent in negotiation; 47 percent in legal drafting and brief writing; 49 percent in motion practice and pretrial practice in general; 53 percent in trial practice; and 20 percent in appellate practice.

The benefits of clinical legal education have by now been expounded upon at some length in the literature published by and

available from CLEPR and in literature written by others. A brief statement of the reasons for clinical legal education would be as follows:

1. Clinical legal education introduces the law student to a number of legal skills which go beyond analysis of written materials, library research, and writing. These skills range from factgathering, to interviewing, counseling, drafting, trial strategy, and trial and appellate advocacy.

2. Clinical legal education provides the opportunity for the law student to make a transition in the professional school from theory to practice. He does this under educational auspices which expose him to a standard of performance which can serve as an example for his future professional life. It is essential that the first exposures to performance be under the best circumstances, *i.e.* in an educational situation.

3. Clinical legal education develops the emotional part of the person which grows only when the person has experience with responsibility and enjoys or suffers the consequences of his actions in a complexity of human relationships which go beyond teacher and student. The law student's range of responsibility in clinical work is extended to include clients, other lawyers, judges, other persons in the administration of justice, and in general a whole host of human beings outside the personnel and student body of the school itself.

4. Clinical legal education rehumanizes the educational process and reminds the professional-to-be that his services are personal services in the literal sense of the word and that a primary part of professional responsibility is the capacity to respond on a one-to-one basis to another human being's need for help.

5. Clinical legal education can give lasting lessons in ethics and morality. In putting the law student in a position of having to resolve ethical and moral dilemmas through action, it develops habits of proper response to ethical and moral tensions beyond what is possible through mere intellectual analysis.

In short, clinical legal education starts the lawyer on the right track.

While it does not produce a complete practitioner, it does provide the foundation for improvement of professional skills in practice, just as the academic part of the curriculum provides its own bases for better future performance. Clinical legal education also insures that a totally unprepared lawyer is not foisted on the public.

Clinical legal education has unique benefits to offer because it is a different way of teaching and learning. The essential characteristic of clinical work is dealing with the same kind of responsibilities that are placed upon us after we leave law school, but, in many cases, with even higher standards and under educational supervision concerned with more than the demands of the marketplace. It cannot be emphasized enough that clinical teaching and learning differ from the traditional classroom method. Each of these methods must have its place in the law school curriculum; neither can substitute for the other. The classroom and seminar method must continue to be used for teaching analysis, research, and writing, while the clinical method must be employed for the total development of the resources, emotional as well as intellectual of the human being. Since these are different methods, each requiring ample time and resources, the clinical part of the curriculum must be viewed separately and, starting early in the law school curriculum, given its own place in the law school. It is not just a matter of adding a few more elective courses to the traditional law school curriculum. Each law student must have clinical work. Both methods, academic and clinical, are related, but they are also separate.

In working for the reform of the law school curriculum, those of us at CLEPR have inevitably been thrust into debate on various issues relating to both legal education and admission to the bar. In the belief that the bar and bar admission authorities should be involved in the debate, we are saying: here are the matters we have gotten into in the course of our efforts, and here are the issues you will have to tackle if the public is to get better trained counsel.

One matter requiring early recognition by the organized bar and bar admission authorities is their steady retreat from responsibility for the competency of newly admitted lawyers. The bar and bar admission authorities simply faded out of the business of responsibility for competency when they allowed the prepractice apprenticeship requirement to disappear in one jurisdiction after another. Thereafter, graduation from a law school approved by the American Bar Association (ABA) became under most state statutes the sole requirement for taking the bar examination, which in

itself is only a written reexamination in the very same form of the very same theoretical subject matter already covered in law school. Passing the written bar examination, plus a perfunctory character examination, is now enough to qualify for a license.

The bar and bar admission authorities have ignored the fact that the law schools, until the very recent pressure for clinical work, have only been concerned with teaching intellectual competence. Competence to act, which is the essence of the professional's life and his code, was simply not an object of the schools' concern. Also ignored has been the fact that law schools had no particular incentive to rush in to take over the responsibility for practical training when the bar left a void by abandoning the apprenticeship system. The apprenticeship system deserved to be abandoned because it did not provide well-supervised practical training. Where the legal profession has been derelict was in not seeing to it that a proper replacement, clinical education in the law school, was substituted. Few new lawyers receive well-supervised apprenticeships from employers, and many have no employers. Interestingly, the abandonment of the apprenticeship system became a welcome development both for those aiming to become lawyers and for lawyers already admitted. It made it easier for anyone to be admitted to the bar. An onerous requirement, that of practical training, had been abolished. The profession, the bench, and the legal educators also found it much easier and much more to their liking to live without the problems of taking care of apprentices. No one seemed to be too concerned with the plight of the clients who would be confronted by someone with a newly issued license to practice, someone who had never participated in any form of practice before. It was as if the road test were removed from the examination for a driver's license, leaving the issuance of a license solely dependent on satisfactory performance on a written examination.

The most recent evidence of how comfortable the classroom education of lawyers has been for teachers, for the profession, and for the judges has been the opposition to the report of the Advisory Committee on Qualifications to Practice Before the United States Courts in the Second Circuit. In an age in which the legal profession has prided itself on its concern for reform and change in almost every area of society, it is depressing to see in the bar and on the bench how conservative some of the most fervent advocates of change elsewhere are about change in the legal profession and in legal education. This is especially noteworthy because the com-

mittee recommendations are extremely modest. They do not really upset things very much, nor do they substantially affect the law school curriculum which is in great need of much change. Nonetheless, and this is important, these recommendations do represent an insistence on protecting the public against incompetence, and, therefore, they are seen as the forerunner of future action which might constitute a more significant intrusion on what is now a relatively easy situation for the law schools and for the bar admission authorities.

While the bar and bar admission authorities may have unwittingly been part of the changes just described, legal educators have consciously and purposefully constructed the law school they are happiest with regardless of what others may think or want. Theirs is not an unplanned venture. To be sure, there are certain mysteries surrounding the temples of learning, and interlopers are not welcomed. But as far as the mysteries are concerned, our experience indicates that legal education can be understood in familiar terms. Thus, after attention to how the bar and bar admission authorities have "dropped out," what follows is an effort to strip away the veil of mystery and to describe for the profession the structure of education — its politics and sociology.

In an age of consumerism the bar and bar admission authorities should be alert to the fact that we have no effective consumer viewpoint operating on the products and methods of the law school. Not only is the consumer viewpoint missing, but the abdication of active participation by the bar and bar admission authorities in lawyer training and in the setting of proper educational qualifications for admission to the bar strengthens the tendency in legal education to be divorced from the practicing profession and to not feel responsible for competency. Nevertheless, there are questions about the length and content of preprofessional and professional education which are beginning to be asked by some, and these questions should be on the agenda of the organized bar and of the bar admission authorities.

Are 7 years of college and law school, all in an academic setting, as valuable for training lawyers as they are for employing teachers and keeping young people out of the labor market? René Dubos writes in *The American Scholar* (Winter 1975-76):

Whereas in the past many persons in their twenties occupied positions of leadership in all walks of life, people are now regarded as still somewhat immature, and hence not quite dependable, almost until they have reached their thirties. This is just as

true for plumbers as for lawyers and doctors; if present trends continue, the period of training will be longer than the period of performance and creativity.

Most states still require only 3 years of college for admission to law school, but the practice of law school is to take college graduates. It is time to give attention to whether so much of the same kind of schooling — classroom and library bound — does not inhibit some important aspects of personal growth. More and more people are coming to believe that it does. In the case of education for admission in the legal profession, we cut off our young professionals-to-be from an opportunity for adequate emotional development by not giving them a chance, unless they have clinical work in the law school, to perform in situations demanding that they assume responsibility. We keep them in the classroom and library all the way through 4 years of college. Then we have been doing the same through 3 years of law school. Must we be satisfied with providing professional credentials on these present terms, even if inadequate, or can we hope to open a widespread debate on legal education even if it threatens great changes in the educational establishment?

It is difficult to open up much of a debate with legal educators on the topics of education, training, and human and professional development. The reason is that these are not subjects in the law school curriculum, and it does not profit a law professor to devote too much time thereto. Higher education, including legal education, has its own bureaucratic structure and bureaucratic rules. Like other professors, law professors are not hired because of any demonstrated capacity for teaching; it is only performance in the skills supposed to be common to lawyers and professors alike that counts. These are analysis, research, and writing. Continued recognition and status in the teaching profession come from repeated exercise of these same skills over a period of time in a specialized subject matter area. The law professor is like all other professors in his search for future advancement and recognition. Whether fact or fiction, these are the rules, even though it appears that few professors publish and even fewer perish for not doing so.

In the prestige law schools law professors also like to teach subjects similar to subjects taught in other disciplines. This makes a law professor respectable and understandable in the eyes of other university teachers. How he stands in the eyes of the practicing profession is not as important. Under the existing rules of the game it is obviously more important to the law faculty to be linked to the rest of the university than to be connected with the require-

ments of the profession. Therefore, what is important for law professors is not necessarily important for the law student intent on getting a license entitling him to practice on the public. Whether or not it is important to the student, the student will conform to the dictates of the faculty because the bar admission authorities dictate that the student come to them with a diploma from the law school and because the bar admission authorities have a hands-off policy toward the law school curriculum.

It is occasionally said that the law school curriculum need not be related to practice because a number of students who enter the profession will not practice. This is a facile way of turning a discussion away from where it should be. In addition to the reflected glory of past and present legal giants, it is the power to practice which gives membership in the bar its prestige and status, and it is the power to practice law and the license to practice law which, in the main, attract students to the law schools. The power and prestige of the license to practice are a recognition of the fact that this is the unique prerogative of the lawyer. It is the lawyer and the lawyer alone who has this license to practice. It is not the lawyer's understanding of politics, sociology, and economics, important as these are, which is the source of prestige for the graduate of the law school, for these are the grist of college and graduate school curricula for nonlawyers as well. These are not what make the law school different. What makes the law school different is its power to give its graduates access to the practice of law, which is the fundamental and unique characteristic of the legal profession. It is the monopoly on the right to counsel clients and to represent them with others and in courts that counts. Take away this monopoly granted by the license and the law schools would lose most of their student body. Therefore, it behooves all of us, and particularly the bar and bar admission authorities, not to be diverted, to pay attention to what should be going on in the professional school, to make sure that those going into the profession have a better preparation for practice, and to suggest that other provisions with regard to higher education be made for training the nonpractitioners.

Educators, the bar, and bar admission authorities should consider shortening the total span of legal education for everyone and making provision for different kinds of training in the law. The LL.B. might be given to those who take a 5-year course at the college and postgraduate level and intend to specialize in law and law-related subjects without applying for admission to the bar. The J.D. might be reserved for those who complete 6 years, 3 in college

and 3 in law school, in preparation for taking the bar examination, and the law school should require a substantial clinical experience of everyone. Such a regimen would begin to recognize the consumer and client interest in legal education and in the bar admission process. It would accelerate professional development, guarantee some starting competence on the part of lawyers, and free some of the manpower and financial resources now tied up in extra years of schooling which are of questionable if not negative value to the student.

Any effort to reform the law school curriculum itself, which should be the first priority of the bar and bar admission authorities, will also be vigorously opposed as a result of the interest of law teachers in better wages and hours, job security, and prestige. In short, professors are just as interested in pay and working conditions as anyone else. One should not assume that any discussion about education and curriculum is removed from the grubby concerns which afflict the rest of us when it comes to making a living. Perhaps the only difference is the implicit assumption on which law schools as educational institutions proceed: that the best life for the faculty necessarily results in the best legal education for the student, for the profession, and for the client public.

Even in plusher days, the use of money for clinical work in law school had to be viewed by the persons in the existing system as a diversion of funds from the system as it was then functioning. In addition to competing for money with existing uses, the clinical method of teaching made claim for funds on the basis of a low student-faculty ratio; that is, clinical education demanded and demands more teachers in relation to students. Unwelcome as this new claimant for funds may have been simply as a rival claimant for funds, clinical education has not been popular because it anticipated the recent rise in cost consciousness in higher education and precipitated earlier awareness of costs in the law school. It encouraged a look at the cost of the traditional system of legal education. If clinical teachers and their courses had to be looked at in terms of cost, then it became obvious that other law teachers and their courses would be examined. A major part of the scrutiny of cost took place in the national or prestige schools, perhaps because they have so much invested in what they are doing traditionally and would spend more on anything they might undertake.

Cost analysis put the spotlight on traditional practices. One of the most common characteristics of the law schools is to have large classes for basic or required courses in the first year. This makes

the cost per student rather low, or relatively so, and makes low-cost legal education possible for so many. In most law schools large classes continue to be the pattern in the second or even third year. In the national schools the large first-year classes subsidize and/or justify the higher cost of small classes or seminars in the elective curriculum wherein the law professor follows a special interest and establishes his special position. The cost per student credit hour is high in the small group and elective courses, as it is in the clinical work. But it is exactly this kind of comparison that is worrisome to those who have worked hard to get the money for the traditional seminars and small group courses. In those relatively few schools where finances have allowed the use of smaller classes in the first and second years, the competition for funds from the clinical side may be even more threatening. In most law schools, where the luxury of small seminars and classes in the second and third years is rarer, the higher cost of supervision in the clinic threatens to claim enough funds to reduce the prospects for new seminar-type academic classes. Additionally, money is indispensable if research and sabbatical leaves are to continue. Other dangers to the status quo lurk in differences in wages and hours. Academic salaries are figured on a 9-month workyear, while the clinicians' salaries are often based on 11 months' work and many more hours per week of exposure to students. The traditional law teacher, wherever he teaches, likes his shorter workyear and an exposure to students which is controlled by a workweek of 6 to 9 hours in the classroom.

The status quo in wages, hours, and working conditions for faculty was hard fought for and is worth keeping, and competitors who ask for examination of long-unchallenged practices, who threaten incursions with respect to existing funds, or who otherwise upset the applecart are to be looked at askance. The result is that the position of the clinical professor is not the happiest in the faculty. He is the Johnny-come-lately claimant who needs money for a working week that is full time because he is running a law practice in order to teach students. In addition to full-time supervision, clinical work requires more teachers per student. Clinic costs are higher than the run-of-the-mill law school lecture even though the clinical professor is too often exploited by being paid the same gross annual salary paid other professors notwithstanding the fact that he is required to work more weeks and more hours per week. Thus, the situation is inherently one of disequilibrium at the present time. There is an uneasiness which is upsetting to all concerned, and it will continue until these matters are worked out.

Tenure or job security adds to the complications just described. Originally justified as a means of ensuring academic freedom, tenure has also become an aspect of job security. Indeed, if academic freedom were the basic criterion, clinical teachers would have been favored with tenure from the beginning because teaching the practice of law needs at least as much protection against possible reprisals as any other form of teaching. In fact, many law schools have given one or more clinicians tenure status. But it is also true that tenure and job security remain a problem for clinicians who are kept in limbo in such titles as "clinical supervisors" or "clinical associates." One method of erecting a barrier to tenure has been to evaluate clinicians by the same standards pursuant to which academic teachers are evaluated even though each group should have different standards. One reason for erecting such barriers to tenure for clinicians is to keep them from having the same power base enjoyed by the academic faculty when making their claim on law school resources and to make clinicians more vulnerable to layoffs when retrenchment is in order. Faculty status and tenure provide the vote for governance through faculty meetings. Thus, like the disenfranchised in the larger political society, clinicians have wielded fewer votes in the struggle for change within a faculty. Underneath the serene appearance of academic existence there is the commonplace maneuvering for advantage. Self-interest is not unknown in campus politics.

There is also the matter of psychic income coming from the "center stage" position which has been reserved for the law professor. Hitherto exclusively occupying the lecture platform (stage), the classroom teacher is understandably reluctant to lose his monopoly on student attention. Since most students do not intend to become law professors, there is a tendency on the part of students to shift their admiration, or at least a good part of it, from the academic lecturer to the practitioner-teacher, for it is the lawyer who works with the outside world into whose orbit most students will gravitate. In addition, students value the close working colleague relationship which the clinical experience makes possible between student and teacher.

It will be clear from the foregoing that the law schools obviously are still too far from where they should be in clinical legal education. They are not yet ready to announce to every applicant that his law school education will include academic elements and an exposure to clinical work in the very first year. A law school curriculum should be constructed along the following lines: academic

work should constitute 80 percent of the first-year curriculum; 50 percent of the second-year curriculum; and a very small percentage, no more than 20 percent, of the third-year curriculum. In all 3 years, clinical work, in a sequence which gives the law student increasing responsibility, should take up the remainder of the time. The academic method, carried over from college and before, should predominate at the beginning of law school but gradually taper off. And, it should be devoted mainly to subject matter and theory which is fundamental: torts, contracts, property, criminal law, constitutional law, and administrative law. Clinical work should progress from research and writing on legal problems (first year), to investigation, interviewing, and counseling (second year), to taking full responsibility for a client and his case (third year).

This Article only summarizes our experience at CLEPR with the politics and sociology of change in the law schools. It contains only brief suggestions concerning what should be done by way of preadmission legal education. This is written not only to be helpful to the bar and bar admission authorities, but also as a challenge and a charge to the bar and to the bar admission authorities to take up their responsibility for requiring more of law students and their teachers and for ensuring that law students achieve some degree of competency before being admitted to the bar. The law schools have started to change. The incentives provided and pressures applied through CLEPR's programs and by others have brought about the beginnings of clinical legal education in the law schools. And, most of this is now financed, as it should be, by the law schools themselves. Perhaps the area of greatest promise concerning desirable changes in legal education in the immediate future lies in what can be done by the organized bar and the bar admission authorities.

What is needed is a crusading concern for clinical legal education on the part of the leaders of the profession and the bar admission authorities. A few, like Chief Judge Kaufman and Robert L. Clare, Jr., have been courageous in moving out ahead of their colleagues by stating a concern for competency. Some others have been willing to raise basic questions about the total preadmission educational process which has grown up for lawyers. Bayless Manning, formerly of Stanford Law School, and ABA President-elect Justin A. Stanley have raised the question of whether 2 years of basic law school training followed by a year of practical training would not be an improvement over the present situation. During his recent tenure as ABA President, James Fellers

avored clinical work for law students. And, Chief Justice Burger has raised his voice in a constructive manner.

These leaders and a few others have been asking the important question: What can be done *before* admission to the bar about better education and training? Should not the state boards of law examiners and the courts for whom they work be asking this question? How long can such authorities go on giving bar examinations, which only repeat the academic testing already given in law school, and licensing lawyers on this basis to practice on their clients, lawyers who have not been required to see a client or a court before receiving a license to practice?

Bar leaders, bar examiners, and courts should not be frightened away from carrying out their responsibility for giving the public better prepared lawyers by the opposition to change in the law schools and in the profession. Our experience has shown that law professors are reasonable people. If, however, law teachers are permitted to avoid consideration of change in the status quo because the profession's leaders are timid and uncertain, they will do just that. As a result, most of the profession itself will remain uninformed about the issues and the answers and will continue to opt for the status quo. The next important moves are up to the bar, the boards of law examiners, and the courts which admit lawyers to practice. We in CLEPR will continue to do our work with the law schools, but we cannot do the job for the profession and for the licensing authorities.