

"Teaching Lawyering Skills in a Global World"

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I would like to thank President Tong Ki Woo, the professors of the Yeungnam University Law College, the rest of the Yeungnam University community, St. John's University and the St. John's Law School and of course, Dr. Yeung Choi, who has been so gracious and determined to make this wonderful occasion actually happen, for providing me with the opportunity to address you. It is certainly a great honor to be here.

I am the Assistant Dean for Professional Skills at St. John's University School of Law. Under my direction, the Center for Professional Skills, presently staffed by myself, Professor Victoria Brown-Douglas, and our administrative assistant, Sheila Johnson-Adkins, design, administer and teach a wide variety of legal skills courses including externships, hybrid clinics, and advocacy skills courses. In addition, the student-run Polestino Trial Advocacy Institute is run through the Center as will be the newly developed Reardon Scholars Program.

I am what is known as a "clinical law professor" meaning that the majority of the courses that I teach are not large lecture courses, but are

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interactive experiential learning courses. In my courses, my students learn doctrinal law in the context of legal practice and guided reflection. I believe that the most significant changes in and, I think, enhancements of American law school education relate to the way law school professors relate to students in the classroom and the curricular changes all law schools have made to include clinical courses including skills courses and opportunities for law students to work with a lawyer as in an externship or to represent clients under the supervision of a professor in a law school clinic. Learning doctrine is simply not enough. We must prepare our students to enter the profession with excellence, not simply proficiency in professional skills. Law students need to be trained in interviewing, counseling and negotiation. They must be comfortable in representing their clients in court and other legal forums. They must understand how to bring a case and how to evaluate a case. And perhaps most importantly, they must understand and internalize the legal ethics codes. These skills, in my mind, are the essence of being a lawyer. They are the skills which can then be relied upon outside of New York practice, and even US federal practice. These are the skills which are used in the global legal world.

Law Students are Not One-Dimensional

For too long law professors taught in only one way; the stern law professor stood at the front of the class and called upon the trembling students before him. I say him because women in the academy were woefully underrepresented for many many years. If the professor should call upon an unprepared student, or a student who didn't fully understand the material, then that student was certain to be humiliated in front of the class. Times have changed, however, as you can see in the movie clips I will show you now.

The movie from which I am about to show you several clips is made by Ken Kushner. Ken was a former student of mine who graduated last year. Prior to his entering law school, Ken, and still is, an independent film maker. Several of his films have won prestigious awards and at least one film was nominated for an Oscar. Ken decided to make an independent film, and received permission from Dean Mary Daly of the Law School, to do so. What I have here with me today are the rough cuts of that movie. What I would like to show you right now, are some clips of classroom teaching. I think that you will agree with me that they are anything but boring, and instead, really engage all the students in the courses in learning.

[show film clips]

When you see students so engaged, as they also are in interactive, experiential skills courses, you can see the students becoming the attorneys you wish them to be.

The Center for Professional Skills

I'm happy to have this opportunity to speak with you about the Center for Professional Skills, because I think that the courses we offer in the Center provide a perfect means of collaboration between our two schools. Professional Skills are the tools lawyers use to communicate. We communicate with our clients, with our colleagues, and in court. Professional Skills provides the language with which we can globally understand each other. Here is a sampling of the courses we offer in the Center for Professional Skills:

Externships: Externship courses place students with specially selected practitioners designated as mentor-attorneys. The mentor-attorneys, most of whom work in public interest or government agencies, with judges or as in-house counsel to a corporation, involve the students in the daily activities of a lawyer in that placement. Students may go to court, interview clients, review contracts, sit in on "deals," research and write legal memos, or help write a court opinion. Students must take a contemporaneous externship seminar which focuses on issues in lawyer development, in which students reflect on their experiences, write weekly assignments, and partake in simulations and student collaborative presentations. Presently we offer the general, civil, criminal justice, judicial, and summer externship seminars in addition to the substantively-based International Human Rights Externship and the Street Law Externship which will be offered during the 2006-2007 school year.

Trial Advocacy: St. John's offers a continuum of trial advocacy courses. Students are introduced to advocacy skills in the concentrated civil or concentrated criminal trial advocacy courses. These courses are taught in a concentrated format, during the middle 7 weeks of the semester. I believe that students can attain excellence through immersion in the trial advocacy courses. In the concentrated format, students meet for 2 ½ hours twice a week and once a week for a lecture. The courses use a specially designed case file, that I create, as the basis of the simulated activities completed in each class. The course culminates in the students, in pairs, trying a full 6-witness jury trial. We also offer the intensive trial advocacy course which meets full-time for two weeks in May. It is in this course where you can really see the value of advocacy immersion. By the time the students are trying their final trial, which is only two weeks after the course begins, change in the skills levels of these students is nothing short of extraordinary. When the students finish this course, they are every bit as

proficient as most lawyers who have been practicing several years. I think this is due to the structure of the course (small classes with two professors), the talent and dedication of the adjunct professors I hire to teach in the course, and the quality of the materials we use in the program. New this year, we will be offering an advanced trial advocacy course entitled "Witness Examination."

Domestic Violence Litigation Clinic and the Prosecutor's Clinic: These two clinics are partnerships between the law school and other legal organizations. In the DV clinic St. John's partners with the New York Legal Assistance Group in representing victims of domestic violence who are seeking orders of protection in Family Courts. In the Prosecutor's Clinic, we partner with the Queens District Attorney's Office, the Bronx District Attorney's Office and the United States Attorney's Office in the Eastern District. In both cases, an attorney in those offices supervises the students in real cases. As you can imagine, this is a wonderful opportunity for students to practice law.

Polestino Trial Advocacy Institute: PTAI is a student-run organization whose mission is to introduce and involve the law school community to issues and experiences of importance to criminal and civil trial practice. This year, PTAI holds the title for First in the Country in National Trial Competition Wins. The PTAI sponsors a speaker series, a trial skills training series and internal civil, criminal and first year trial competitions. In addition, the PTAI puts on the McKenna Forum, a panel debate on a cutting-edge topic in criminal practice, a case note competition, the annual "Advocate in the Spotlight" panel discussion, and publishes the "Advocate" newsletter. PTAI also proudly hosts the annual National Civil Rights Trial Competition. This nationally recognized trial competition accepts 14-16 teams from law school around the country who compete in trying a specially-selected civil rights case that I create.

How can St. John's University School of Law and Yeungnam University Collaborate?

I can think of three ways in which our two law schools can collaborate. The first is to establish externship programs here. There are several ways to do this. First we could work on establishing a semester abroad externship program. American law students could come here, probably during the summer, and work in designated legal placements. Your students could also work in the designated placements and all the law students would participate in a joint externship seminar. Another possibility would be for Korean students to be placed in externships anywhere in Korea, most likely in Daegu, Busan, or Seoul and we could hold externship meetings with all the students through a real-time, on-line chat room. These seminars could combine students in New York and Korea, or could be established only for the Korean students. I would suggest that I should come to Korea at least once during the semester to meet with the externship students.

Secondly, students from Yeungnam University could participate in the Intensive Trial Advocacy course I mentioned earlier. This is a two-week course, given at a time when the undergraduate students have already left their dorms, so that the possibility of St. John's providing housing exists. Students participating in the Intensive Trial Advocacy Course could possibly combine the Intensive course with an externship in New York during the rest of the summer session.

Thirdly, St. John's is planning on opening an LLM program for foreign lawyer and law students. Graduation from this program will provide all the necessary prerequisites to people seeking to take the New York bar exam.

There are many ways in which our programs can work together which will immeasurably enrich both of our universities. I look forward to working closely with you to make it a reality. I thank you again for allowing me to speak with you and I would like to now open the floor to any questions you may have.