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Ex-dean assesses law training

By Karen A. Springer
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When Bryant G. Garth stepped down as Dean of the IU School of Law in 1990, he took a leave of absence to accept the position as director of the American Bar Foundation in Chicago.

With that leave recently expired and his position filled, Garth returned to Bloomington Thursday afternoon — as a guest speaker of IU's Center for Law and Society, an interdisciplinary organization that he founded in 1987.

"It feels in many ways like I never left," Garth said. "I prefer to act like I have just been here all along ... where I am indeed a household word."

Garth delivered a lecture titled "Law Schools and the Practice of Law: A Re-examination of Gaps and Their Meaning" to a group of more than 25 faculty members in the law school faculty lounge.

Survey research conducted by Garth and his colleagues at the American Bar Foundation served as the basis for his presentation, which addressed the age-old question of how well law schools prepare graduates for the actual practice of law.

The survey revealed that in an increasingly competitive legal marketplace, recent law graduates consider themselves unprepared for the business-like aspects of a legal practice, Garth said. One common complaint was that law school failed to provide certain skills, such as communication and confidence-building.

Garth doesn't dispute that certain corporate skills — what he calls "dirty" skills, such as attracting and keeping clients — matter for attorneys practicing law.

But he does say teaching those skills does not fall within the school's domain.

"Legal reasoning celebrates the tradition of legal education," he said. "How to think like a lawyer is still the core — and appropriately the core — of a law school education."

IU Professor of Law Craig Bradley agreed and suggested that by cultivating the ability to think analytically, law school graduates acquire more learning than they admit.

Garth suggested that law school graduates discount the value of legal reasoning skills because it becomes second nature to them. In this respect, they are like a child who has learned to speak, he said.

"Legal reasoning is learning to speak in the language of law," he said. "A three-year-old won't tell you that learning to talk is the most important thing he knows."

Garth contends that while the evidence suggests law school graduates lack certain practical skills, the ability to think and talk "like lawyers" outweighs everything else.

And one IU law school graduate who has practiced law for more than 20 years confirmed Garth's theory in a telephone interview.

"You come out of law school with your head," said J. Frank Kimbrough, a Fort Wayne lawyer. "You don't come out of there with a practice."

Kimbrough said he remembered feeling insecure with his degree when he graduated in 1968. But he said law school graduates should not expect their degrees to substitute for experience.

"You can tell someone about swimming and have course work on it," he said, "but it doesn't replace getting into the pool."

But John Irvine, director of IU's Student Legal Services, maintains that law students should at least get their feet wet before they take the plunge into the practice of law. Irvine said law schools should teach graduates not only to think as lawyers, but to act like them as well.

To do that, Irvine said, law schools should place a greater emphasis on clinical legal experience. At IU, students can gain that experience by volunteering their services to the Student Legal Services or the Community Legal Clinic.

"The clinical program allows internships to apply the theory in a way the classroom never can," Irvine said.

Garth admits that large gaps exist between the practical skills believed to be important and the knowledge that law students feel they have acquired from their legal education. But, he insists, law schools serve their students well.