

Hands-On Training for Law Students

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The National Law Journal

2013-11-11 00:00:00.0

As law students nationwide clamor for more hands-on training, the District of Columbia's six law schools have joined forces to push for the first major overhaul of rules governing student practice in D.C. in decades.

Law school deans and faculty argue that existing rules are outdated and cumbersome. The proposed changes are aimed at streamlining how students are certified to work in clinical programs and expanding the type of work covered under the rules, from appearing in court in civil and criminal cases to advising nonprofits and small businesses on tax law and contracts.

The focus on clinics reflects growing demand from students, and their future employers, for more practical experience before they enter the job market, said Georgetown University Law Center Professor Wallace Mlyniec, who runs the juvenile justice clinic and has led the revision efforts.

At the same time, clinic directors say, the more students working in clinics, the more law schools can offer legal assistance to clients who otherwise couldn't afford a lawyer to fight an eviction, seek political asylum, get protection from an abusive partner or tackle any number of issues in and out of court.

Chief Judge Eric Washington of the D.C. Court of Appeals said the court, which oversees the local rules of practice, supports updating the rules but is open to feedback from the bar and the public. The court published the proposed changes in late October and is accepting comments through the end of December.

District of Columbia Bar President Andrea Ferster said bar officials have yet to take a position. Robert Dinerstein, a professor and associate dean for experiential education at American University Washington College of Law, said he doesn't expect the proposed changes to face significant opposition.

Clinics don't "expand into areas of practice in which there's a whole lot of lawyers whose economic model would be challenged," Dinerstein said. Washington noted an occasional "rumble" from lawyers worried that expanding clinics would take away business, but he doesn't anticipate much opposition, either.

"When you come to court and you see how many people are self-represented litigants and how many

people are trying to struggle to do things without legal assistance, you realize this is going to be a help," Washington said.

Students in clinical programs practice under the supervision of faculty. Law schools have expanded clinical offerings in response to pressure from students and the marketplace to produce more practice-ready graduates, said Katherine Kruse, president of the Clinical Legal Education Association and a professor at Hamline University School of Law.

The changes proposed in D.C. are similar to student practice rules already in place in many states, Kruse said. "This sounds like a move in the right direction," she said.

Aside from minor revisions during the early 2000s, Washington said, the student practice rules hadn't been touched in decades. Depending on feedback the court receives and any tinkering needed, Washington said, the court could make a final decision on whether to adopt the new rules in early 2014.

Certifying students through the bar admissions committee has proved burdensome, Mlyniec said, with some students waiting weeks before being certified for a one-semester clinic. Under the new rules, deans, who already review students' character and training, would certify students to practice, instead of going through the bar admissions committee.

Full-time students could participate in clinics following their first year, instead of waiting an additional semester. Law schools would have flexibility to decide what classes students must take to be eligible.

TRANSACTIONAL WORK COVERED

The revisions make it clear that students can do nonlitigation transactional work, from preparing contracts to developing affordable housing. The growth of specialized clinics in areas such as intellectual property and economic development made it important to cover that type of work in the rules, Mlyniec said.

Students would be allowed to represent clients who don't meet indigency standards but who nonetheless couldn't afford a lawyer.

"There's a recognition that the ... poverty guidelines just do not cover the territory that needs to be covered," said Shelley Broderick, dean of the University of the District of Columbia David A. Clarke School of Law.

"Our hope is that by next fall ... lots more students will be empowered to represent poor and vulnerable people in a broader array of cases at the earliest possible date in the semester," she said.

The student practice rules, adopted in 1968, were originally considered a model, Mlyniec said. Since then, he said other jurisdictions have pulled ahead, crafting rules that allowed students to work in clinics without having to sort through too much red tape.

"We saw this progression going on and we wanted to make sure our court, once a leader, was not being left behind," Mlyniec said.

Broderick said she's gotten positive responses from the civil legal services community. Judith Sandalow, executive director of the Children's Law Center, said expanding the capability of clinics was a good idea. The center refers clients to clinics.

"We can't possibly meet the need of all the low-income residents in D.C.," Sandalow said. "We need as many hands on deck as we can, from lawyers at the big law firms to area law schools."

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