THE CUNY LAW PROGRAM: INTEGRATION OF DOCTRINE, PRACTICE & THEORY IN THE PREPARATION OF LAWYERS

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The CUNY Law Program differs markedly from every other law school in the United States. Founded in 1983, at a great, diverse, public university sprawling across New York City, its curriculum emerged from the Law School's mandate to rethink the traditional law school curriculum and develop approaches oriented toward public interest and public service law, with emphasis on clinical teaching methods.

In this paper, the author provides a concrete description of the CUNY Program, and articulates the principles expressed by CUNY's extensive redesign of typical American legal education.

Since it began in 1983, the CUNY Law program has been the subject of much scrutiny, in academic journals, bar publications, and the general press. Articles published in American law journals are indicated in the note on further sources, below

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The CUNY Law Program was quite self-consciously designed to express longstanding critiques of American legal education, as to both form and content. In the United States, students are not permitted to enrol in law school until completion of a four year college degree. The law school degree takes an additional three years. The typical student receives a J.D. degree at age 25, and after a few weeks of study in a commercial bar review course, the law school graduate takes a bar examination in one of the fifty States. After successfully completing this bar admission process, the student is legally entitled to undertake any legal matter for any client. The requirement of seven years of higher education filters out those who lack intellectual ability and academic staying power, and those unwilling or unable to invest or borrow the large amounts of money required to finance this extended period of study. This preparation produces individuals possessing rudimentary legal knowledge and the cognitive ability to manipulate legal doctrine, but new entrants to the bar know virtually nothing about the day-to-day practice of law, except as a special experience in a clinical course or perhaps part-time or summer clerkships during law school.

Thus the 'American rule' is that fully-admitted lawyers learn the vocational aspects of lawyering on the job after admission. Of course, a number of newly admitted lawyers have always begun practice in the employment of more experienced lawyers, but nothing requires that this be the case. A significant portion of new entrants, perhaps as many as one third, begin law practice on their own, without supervision by an experienced member of the bar. This has prompted critics in America to observe that clients ought to beware of the new lawyer who is smart,

inexperienced, ambitious, eager for the higher standard of living that has been postponed during this long period of academic preparation.¹

Legal education in the States continues to feature extensively the Harvard case method, and the resultant narrow focus on doctrine and law practice perceptible through the lens of appellate opinions. This carries with it several premises, impliedly but no less centrally.

- (l) Legal subjects develop in isolation and have substantial coherence as 'fields'.
- (2) The core of law is private; government regulation and its facilitation of private ordering is merely a recent set of exceptions.
- (3) The core skill necessary for lawyering is analytic reasoning, which is what accounts for the quality of legal representation and judicial decision-making.
- (4) Litigation is the most significant dispute resolution process.
- (5) The lawyer's task is to argue for the client's instrumental objectives.²
- (6) Finally, a kind of 'boot camp psychology' prevails: what the student did or knew before entering law school is not relevant to learning to be a good lawyer.

Taken altogether, these implicit premises create an educational environment that systematically discourages inquiry into the unspoken premises about the legal system, the larger social order, and the role of lawyers, and create a climate inhospitable to serious attention to public interest values or the participation of minority viewpoints in the law and legal institutions.

To respond critically and constructively to the foregoing limited version of legal education, the CUNY Program expresses four fundamental ideas.

First and most central is the relation between law and lawyering. The objective is that students study legal development in the context of lawyer decision-making, in order to encourage students to see that law both derives from underlying human problems, and is an input to the human relations that shape its application to people who are or might be clients. Principle CUNY program features to accomplish this are:

- (a) A first-semester course explicitly focuses on lawyering issues. The course, 'The Work of the Lawyer', embraces material often found in professional responsibility, lawyering process, and jurisprudence courses. Questions of skill are addressed as embedded in issues of role, identity, and values in order to attest to their interconnection.
- (b) In addition, all students carry out significant simulated lawyering work through what are called 'Houses' in which students work in groups of approximately 20, in association with a faculty member who acts as senior lawyer - one with the time and commitment to teach his or her juniors. About one half of a student's scheduled week is work performed in the House on simulated legal problems. In short, to the extent educational purposes permit, CUNY has attempted to organize school to be more like work, by repeatedly

putting students in the role of lawyers performing lawyers' work. A significant proportion of teaching consists of supervision of students.

Second, the program seeks to teach subject matter in ways that integrate rather than dichotomize different fields, so as to facilitate rather than obstruct the effort to articulate the implicit premises and value choices underlying legal development. Accordingly, we reconstituted the required courses. Traditional first year subjects excessively reflect the legal world of one hundred years ago, and distort students' views of what the law does in today's world. The CUNY Program offers fewer courses, broader in scope, that alter students' and teachers' experience of the boundaries of a 'subject'. For example, Contracts and Property are taught together in a course called 'Law and the Market Economy'; Torts and Criminal Law are introduced together in a course entitled 'Responsibility for Injurious Conduct'. Furthermore, the program attempts explicitly to relate the course work to the simulated lawyering work conducted in House. This brings the value of experiential learning methods to the theoretical and doctrinal materials presented in the courses; by virtue of their roles in the simulations, students experience a more compelling and concrete need to know the material than is typical in standard course presentations.

Third, evaluation of student work is greatly altered as well. Course work as such is not graded beyond Pass/Fail. Mastery examinations are given and reviewed by faculty. Yet, since examinations typically are not applications of knowledge that simulate lawyering experience, evaluation of student performance is based primarily on the work performed in the Houses, in which knowledge and skill are integrated in application to lawyering tasks. Faculty evaluate students across a range of qualities more closely akin to those that constitute excellent work by a lawyer. Students' work is evaluated in six areas of competence of which legal reasoning is only one; the others are clinical judgment, professional responsibility, theoretical perspective, communication, and management of effort. Each student's House counsellor prepares a written narrative evaluation with respect to each of the competence categories.

Finally, the penultimate goal of the CUNY program is to enable students to exercise responsibility in the practice of law, that is, to recognize and be able to act on the recognition that one's work as a lawyer is carried on in relation to one's values (whether affirming or disaffirming the same). The use of simulation as a teaching vehicle is not an effort simply to teach skills as well as knowledge, but seeks to integrate both in a context that emphasizes choice, responsibility for choice, and an awareness of purpose. Each task that students perform in the simulations has a three part structure: planning, doing, and reflection. (Schedule A is an excerpt from a memorandum that is distributed to students in the opening days of the first semester, intended to make this learning structure and its premises and purposes explicit.)

THE CUNY COURSE OF STUDY

In light of CUNY's purposes at founding, it is not surprising that its curriculum is widely regarded as the most innovative curriculum in American legal education. The teaching of lawyering skills through simulated problems, and the emphasis on professional responsibility issues and the economic and social consequences of legal doctrine, pervade the curriculum in a seemingly unique manner.

Clinical training and professional skills instruction are comprehensively integrated into the course of study throughout the entire three year curriculum. This integration is central to the school's educational objective of co-ordinating doctrinal and theoretical instruction with development of lawyering skills, perspectives, and professional responsibility. Since its inception, the school has provided some form of professional skills instruction to every student during every semester of the student's course of study. The principal medium for such instruction is the integrative simulation, designed to capture the full range of purposes delineated above. (By way of illustration, see 'The Integrative Simulation Illustrated,' below.) In the first year, students complete from 4 to 6 such simulations; in the second year, fewer, more complex simulations; third year students engage in real-world lawyering activity, either in the clinical program or in the field placement of a subject concentration (see below), and simulated exercises when employed are of a much narrower scope and duration.

First Year Curriculum

The student's first year curriculum at the CUNY Law School - as with most law schools - is required, but the requirements are different than at other institutions. The first year combines six required large classroom courses with work in 'Houses', that are similar to small sections and use predominately simulated lawyering experiences drawing upon the materials learned in the large classes.

Courses

It is difficult to describe briefly the coverage of CUNY's first year courses for two reasons. They are constituted of quite different combinations of traditional courses; and they stress the interrelationships between the doctrines, legal theory, and professional responsibility issues that law faculties elsewhere hope get taught someplace in the traditional curriculum. To illustrate, and at the risk of oversimplifying, the basic contours of the first year courses are described here.

The Law and a Market Economy course is a three-semester course covering most aspects of Contracts and Property, some aspects of Torts and Corporations, and an introduction to the process of administrative regulation. The course stresses both the political and economic premises underlying traditional contract and property doctrine and also teaches lawyer skills such as drafting and negotiation.

Liberty, Equality, and Due Process in Historical and Philosophical Context, offered in the first semester, studies the legal expression of U.S. concepts of liberty and equality. It examines constitutional text and Supreme Court decisions, and commits significant time to the study of historical events that have shaped our national consciousness and the law (such as the antecedents of the Bill of Rights in the English and American Revolutionary periods; slavery, abolition, and Reconstruction, and the reign and fall of White Supremacy; the fear of Communism 1880-1980; free immigration and the closing of the gate; and the rise of the labor movement).

Responsibility for Injurious Conduct is a two semester, eight credit course combining much of the subject matter traditionally taught in Torts and in Criminal Law, and comparing the issues arising in the civil and criminal systems, such as malice and intent, causation and fault, and the ideas of legally protected and

unprotected interests, legal duty to act, and legally non-accountable inflictions of harm.

Civil and Criminal Procedure I & II (formerly 'Adjudication and Alternatives to Adjudication') begins in the spring, and teaches the structure, basic concepts, and ground rules of both civil and criminal litigation and explores the similarities and differences between the two systems.

The Work of a Lawyer, taught in the fall semester, provides a framework for study of the ways lawyers work and think, and teaches the fundamental lawyering skills of legal analysis, research and writing; introduces interviewing, counseling, negotiation, and advocacy; and examines philosophical and political premises of the standard conception of the lawyer's stance, in order to foster critical awareness and begin the inquiry into professional role and responsibility that is carried on throughout the three-year program.

Law and Family Relations is required in the spring semester, and examines the ways in which the law reflects and reinforces fundamental premises about family and love relations, private autonomy, and the interaction between notions about gender and the law.

The Houses

The core of the CUNY first year curriculum, however, is the House System. Students spend approximately 12 hours each week working with 17 to 20 other students and a regular faculty member assigned as the 'House Counselor'.³ Some time is spent devoted to teaching lectures or discussions conducted by the House Counselor, and some is spent performing and critiquing simulations in which the students perform as lawyers, such as presenting oral arguments or negotiations. Finally, the House structure allows frequent individual conferences between faculty member and student during which the student's individual efforts are the subject of feedback and review.

CUNY students are evaluated in three different ways during their first year of law school. In courses, students are assigned substantial writing assignments that are evaluated. Most often these writing assignments are traditional law school examinations. The results of these examinations, on a pass/fail basis, are reported to the student's House Counselor. CUNY students also are evaluated by their House Counselors on a scale of 1 to 6 in six areas of lawyering competence: Professional Responsibility, Clinical Judgment, Legal Reasoning, Theoretical Perspective, Communication, and Management of Effort. Finally, CUNY students are required to take a series of 'Mastery Examinations', to test their understanding of several major areas of the law: Torts, Criminal Law, Real Property, Evidence, Constitutional Law, and Contracts. These examinations are in addition to the examinations or other writing projects required in their classes. The student must sit each examination until a passing grade is achieved.

The Integrative Simulation Illustrated: 'Mussel Bay'

The first simulation of the first year begins in the first week of law school, and runs for about one month. It is designed to capture the full range of the purposes delineated above, although it is factually simple. A small group of people who work together as a theater group have recently rented a theater in the suburban

community of Mussel Bay. They wish to occupy a house nearby, and have contracted to buy one to their liking. The broker learns that a local ordinance and a deed restriction may each prohibit ownership or occupancy by unrelated adults. Two of the group are an unmarried couple; the buyers wish to take title in all their names. The seller is under the pressures of time and finances to find a willing buyer. A neighbour objects to the sale, and is threatening adverse action.

Each student acts as a junior lawyer in a small law firm consulted by either the buyers or seller, and also acts as the client in the opposite setting. The simulation takes the problem only through the early stages of the representation: initial interview of a prospective client, decision to undertake the representation, counseling the client as to options, and an initial choice among options by the client.

Over the course of the simulation, students perform the following tasks, in-role:

- the initial client interview;
- a memo to the firm, describing the client's goals and priorities, and a recommendation whether to take up the matter;
- a letter to the client, outlining options;⁴
- a memorandum to the firm analyzing the legal issues presented and the options perceived.

Prior to each task, the students meet with their House counselor and in small groups of colleagues, to plan each step. In so doing, students identify their needs for information, including knowledge of substantive law. Subsequent classes and supplementary sessions in House, as well as student work, respond to these.

Out-of-role, students perform the following tasks:

- write reflection memoranda about each lawyer-client meeting;
- receive feedback from their client, on each meeting and on the options letter;
- prepare feedback agendas in preparation for these and larger meetings in which House counselors participate.

The simulation draws on each of the fall-semester courses, which have been planned by faculty members with reference to the issues raised by the simulations, and which enable them to address pertinent aspects of the simulation during its progress.

From Adjudication and Alternatives, or in more recent years, from the Work of a Lawyer course: the structure and values bases of adjudication and of negotiated and mediated dispute resolution; the stages of a lawsuit; the federal system of courts and law-making.

From the Work of a Lawyer: accurate listening and identification of client priorities and objectives, as lawyering skills; introduction to interviewing and counseling

skills; the decisions whether to undertake a representation; authority and autonomy within a firm, and within the legal profession; introduction to the structure and content of rules of professional conduct.

From Law and a Market Economy: ownership as the power to exclude; covenants running with the land, as a link between Contracts and Property; the facilitative and regulatory approaches to private ordering with respect to interests in land.

From Liberty, Equality and Due Process: 18th and 20th Century perceptions of property as an ingredient of and as threat to personal liberty; private and public restrictions on land use as protecting and as impairing freedom of association; the Constitution as highest law.

The simulation advances the School's educational objectives in the following ways:

- The problem presents 'the law' and the study of it, through a number of subjects that are perceived as connected parts of a whole.
- 'The law' is presented as an essential element of the students' preparation to perform work, rather than an instrument of being tested, ranked and certified.
- The problem requires students to take an active learning stance talking, meeting, writing, making decision - from the first days of law school.
- 4. Students are introduced immediately to the lawyering tasks of interviewing and counseling, and the larger one of forging client relationships. The problem does so by underscoring the centrality of aspects of quality lawyer's work: listening, exercising good judgment, addressing questions of client autonomy and professionalism. This is aided by placing students in role as client as well as lawyer.
- 5. Planning and reflection regarding the work are undertaken in small groups as well as individually, so that students learn that they can learn collaboratively and independently, as well as from the faculty.
- 6. The simulation problem illustrates a fundamental dilemma in law: that legal doctrine grows out of human responses to human problems, yet tends to become a structure that loses its connection with that origin.
- The problem is one where adjudicatory options are clearly of limited responsiveness to the clients' needs (the seller needs a prompt, inexpensive result; the buyers need a solution that does not alienate the community).
- 8. As the problem has no clearly satisfying response, it introduces students to the skill of exercising judgment, informed by reflection and feedback, and to learning from experience as central aspects of that skill.
- 9. The problem raises the question of what it can mean to practice in a private, fee-generating setting with an orientation to public interest

values, and how 'political' concerns - such as the impact and legitimacy of restrictions on private living arrangements - can or should interact with counseling and representational choices.

Second Year Curriculum

Most of the second year curriculum is also required at CUNY. In their third semester of law school, students take the third semester of Law and the Market Economy and the second semester of the Procedure course. Students add Lawyering and the Public Interest, (an 8 credit course), about litigation of public interest issues, which focuses on evidence, advocacy skills and more theoretical perspectives. The small group 'House' continues, as does preparation for Mastery Examinations.

The fourth semester includes two required courses: the first a continuation of the Lawyering and the Public Interest Course (6 credits), and a course entitled Public Institutions, Constitutional Structures and the Law (7 credits), covering separation of powers issues, federalism issues, and a heavy emphasis on the administrative process. The small-group House format continues, but the students elect one specialized lawyering seminar from a variety of topics including appellate advocacy, mediation, trial advocacy and government regulation of AIDS.

Third Year Curriculum

The third year curriculum at CUNY is, with one exception, entirely elective, and it does not include a continuation of the House small section class. Students must either take a 'concentration' or participate in an in-house client clinic. In addition to these required courses, students select several electives from a wide variety of offerings similar to those offered in other law schools, such as Environmental Law, International Law, New York Practice, Tax Law, Labor Law, Wills, UCC, Corporations and Federal Courts.

Elective Concentrations

Each Concentration combines three aspects: a program of law school-based study that examines legal development in the chosen practice area, in historical, theoretical and social-science perspective; a field placement, in which students work under the supervision of a practitioner and a faculty member, in a particular practice setting within the area of concentration; and a law school-based program for reviewing the law practice issues that are raised by the field work, in order to supply the reflection and perspective that an academic setting can provide. In 1989-1990, elective concentrations were offered in Equality and Inequality and the Role of Law and Lawyers, and in Housing and Urban Development; concentrations have also been offered in Administrative Regulation and in Criminal Justice. Students spend two days per week in their field placements, and the classroom component averages 10 to 12 hours per week of course work⁵.

The placement enables students to exercise skill, judgment, and responsibility in actual lawyering roles in the practise of public interest law. The concentration's purpose is not to produce specialists, but to facilitate a model of integrated and sophisticated learning that should aid legal work in any area.

Third year students may be placed in government agencies, public interest law offices, or private firms handling pro bono work in the areas of concentration.

The extent of student participation in casework is considerable. Unlike many client clinics, students are not given primary responsibility for any case, as most of the cases involve complex litigation. However, the policy of the program is to permit students to take on as much responsibility as they are capable of, in the field supervisor's opinion. Faculty supervisors mediate a bit so that students and field supervisors jointly decide which lawyering activities the student will perform, rather than simply doling out assignments to the student. The tasks performed by students are varied and are not limited to routine functions. Students engage in case planning, constructing a theory of a case, conducting interviews and fact investigation, drafting motions and supporting memoranda, conducting legal research, and holding probable cause hearings for civil rights commissions.

The field placement program is highly structured so as to engage students in a critical evaluation of their experience. Faculty members who teach in the classroom component of the program are also assigned to supervise students in their field placements. Each faculty supervisor meets with students and field supervisors in that concentration three times each semester, to ensure that the educational objectives of the program are being met. Clinical case rounds also provide an opportunity for faculty members to monitor the students' fieldwork experience. Field supervisors are required to meet with each student under their supervision for a minimum of one hour per week, although most field supervisors meet more frequently and provide ongoing feedback.

The elective concentration program, including academic course work co-ordinated with faculty monitored fieldwork, has been designed and implemented successfully so as to avoid the deficiencies of many 'farm-out' placement programs which some American schools utilize rather than fund an in-house clinic. In addition to its pragmatic success, the experiences and relationships provided by the field placement are extremely beneficial to students in their job searches after graduation.

Main Street Legal Services, Inc.

The Clinical Program of the City University Law School operates year-long teaching clinics for eight credits each semester. Each program combines a two hour weekly seminar with client representation under faculty supervision.

The Immigrants Rights Clinic provides legal services to undocumented people. Representation ranges from adjustment of immigration status under federal law to securing access to adequate health care and other benefits. The clinic has focused on the special needs of especially vulnerable immigrants who are virtually unserved by other legal services and social agencies in New York City. This provides students an unparalleled opportunity to experience practise in an area of law which is especially relevant to the needs of the diverse population of New York City and State.

Students may enrol in a Wills Clinic for either one or two semesters, to accommodate students who want to participate in a client representation clinic, but do not wish to commit the majority of their third year credit hours to clinical work. The Wills Clinic represents elderly clients and AIDS patients, focusing on problems

relating to contracts, deeds, wills, living wills, trusts, and banking matters. Each student has two to four cases.

A new Criminal Defence Clinic began in the 1989-90 school year, and differs in structure from existing clinics in that it serves in an of-counsel capacity with Queens Legal Aid. The clinic takes primary responsibility for misdemeanors, and works as back-up co-counsel with Queens Legal Aid on felony cases. (One advantage to this collaboration is that the legal aid office takes responsibility for all cases over the summer, providing some reprieve from casework for the two faculty members who supervise the criminal clinic).

Differing somewhat from many law school clinics in the United States, the CUNY clinic goal is to provide a truly integrated clinical curriculum, avoiding the tendency for each new clinic to develop in isolation along whatever path its founding faculty initially choose. The intention is to offer students choices from an array of types of clinical work, in several areas of legal practice, yet also to maintain coherence with respect to the common objectives of CUNY clinics. In addition to the usual fare-imparting knowledge and proficiency in lawyering techniques and mastery of relevant substantive law typically associated with live-client representational clinics - two further threads are essential.

First, clinic students are oriented to incorporating non-case-related legal work, such as legislative advocacy, bar association activity, consultation with community organizations, and so forth, as an aspect of client representation rather than as a mere adjunct thereto. Students run community workshops and conferences, act as consultants, write background papers for government commissions and legislators, and submit comments on proposed regulations to administrative agencies.

Second, clinic students are introduced to some fundamental choices in law office management tasks: client selection, when not all who seek assistance can be served; the appropriate drafting and negotiation of retainers; billing for expenses and deciding when the office should waive expenses; and so forth. In most law offices and in many American law school clinics, such decisions are treated as standardized procedures about which students are not consulted and do not make meaningful choices. Each raises issues of professional role and conflict-of-values which ought to be fully explored, both for pedagogical purposes and so as to develop a feasible yet admirable model of law practice that our students can take with them when they leave CUNY.

Relation of CUNY Clinic to the Curriculum

The ability to pursue the teaching of this expansive notion of the lawyering role depends in considerable part on the fact that the clinics now build on a relatively well-developed skill base in the first and second year curricula. Students arrive in the clinics having been exposed to and having experimented with the rudiments of interviewing, counseling, negotiation, trial advocacy, and legal drafting, and numerous (simulated) opportunities to exercise and hone clinical judgment. This enables the clinic faculty to concentrate on more sophisticated application and refinement of skills, which would not be possible but for the lawyering emphasis in the first two years of the program.

SCHEDULE A

EXCERPT FROM THE WORK OF A CUNY LAW STUDENT: SIMULATION AND THE EXPERIENTIAL LEARNING PROCESS

The work you do as part of a simulation is selectively, but not exactly, the same as what you would do as a lawyer confronted with a comparable problem. By drastically shortening the time frame of the actual process, the simulation allows you to experience the consequence of your choice relatively quickly. In a simulation, you are asked to assume certain roles, and to engage in a variety of tasks, some in-role and some out-of-role (except for the ubiquitous role of 'law student'). The generic set of tasks you are asked to engage in are:

- 1. planning identifying your purpose, your options, and making some deliberate choices;
- doing carrying out the plan you develop, making the adjustments that seem required in light of your underlying purpose;
- 3. reflecting seeking to understand what happened, why it happened, and what and how you are learning about lawyering and yourself as a lawyer.

Then the process starts over, with trying the same or similar task over again, keeping in mind what you learned from what you did the first time. That is the essence of experiential learning, what we will ask you to do again and again and what lawyers who are willing to learn from their experience do throughout their careers.

This sequence is the unifying pattern of the many stages of this and future simulations. Each stage is important, but we want to place special emphasis on the planning and reflecting phases of the work we engage in. We do not expect you to, and hope that you will not try to, achieve perfection in your performance of lawyering tasks the first time out - or the second, or the fifteenth. Through the simulation, we do hope that you will be able to develop the self-reflective approach to work that will enable you to continue to learn from the chaotic, largely unstructured, uncontrolled experience of being a lawyer.

We believe that the simulation method offers certain advantages over the two models of legal education that preceded it. One model, the apprenticeship model that prevailed until the last quarter of the last century, involved the supervision of a working lawyer. The other model, sometimes called the Langdellian or case method, . . . has come to mean reading lots of appellate opinions in large . . . classes discussing the legal principles they illustrate. The focus in the first system was very strongly on doing, learning in almost a rote method by following very carefully the rules or techniques that a supervising lawyer used in his - and then it was his work, with little attention to the apprentice's developing a sense of generalizable principles or legal theory. The emphasis in the second model, to some extent in reaction to the first, was on thinking, with very little attention to learning how to apply in practice the theory and concepts that were discussed in the class, and to the possible disparities between, for example, the facts that the judges writing the appellate opinions chose to include and those that may have actually existed.

Our curriculum incorporates substantial elements of both these models, and seeks to integrate their strengths and minimize their shortcomings . . .

... [I]n that connection, lawyers need to learn to take calculated risks. A theme we will return to again and again is the impossibility of achieving perfection in professional work. No matter how carefully we plan, however talented and knowledgeable we are, we will always make mistakes. What simulation offers is the chance to make those mistakes in a protected environment in which the consequences of the mistake is not that a client is injured or a cause is lost, but rather that you learn something about the law and lawyering. Since learning is the goal, the 'mistake' or 'failure' is translated into success. This is not to suggest that you set out to make mistakes; just that the inevitable mistakes have a different meaning in the simulation context.

... Ours is a self-reflective approach to the lawyer's role. We do not want to teach in a way that students simply accept the traditional role axiomatically. We want students to have greater choice how to integrate who they are as persons with what kind of lawyers they want to be. That is no easy task. Learning to fashion a lawyer's role that expresses who you are and is responsive to the needs of others requires continual reflection on the choices we tend to make reflexively and on the other options available. It requires attention not only to what we are doing but to who we are becoming. The task, a central part of the mission of this law school, cannot be approached abstractly. It requires doing and reflecting and learning from doing. The simulation mode serves that end.

NOTES

- Professional discipline and malpractice liability are the principal measures, institutionally speaking, by which we seek to protect American clients from careless or irresponsible lawyers. As a matter of practice, each of these operate only upon clients' initiative and complaint.
- This tends to trivialize professional responsibility issues, by their conspicuous absence throughout the curriculum and by limitation to matters such as fraud and perjury by attorneys in the course on professional ethics.
- 3. CUNY was able to renovate an existing building to provide an appropriate physical structure for the program. In each House, students have their own desk; each pair of Houses is adjacent to faculty offices, and shares a basic library, word-processing and computer-assisted research program, file space, and a supply room with photocopier.
- 4. Options identified typically include: to seek another house or buyer; to complete the sale and purchase despite the risks; to seek a variance or exemption from the local body that enforces the ordinance; to seek some accommodation with the neighbour or with relevant local officials; to file suit in state or federal court, seeking to establish that the restrictive covenant or the ordinance is inapplicable or unenforceable.
- 5. The course work for each concentration includes:
 - a three-hour weekly class emphasizing substantive legal developments in the area as a whole;
 - a two-hour weekly lawyering class discussing professional responsibility and lawyering skills issues raised by the students' fieldwork;
 - 3) a two-hour weekly theory seminar emphasizing theoretical perspectives on both substantive law issues and practice issues;
 - 4) a two-hour weekly group lawyering seminar focusing on lawyering issues raised by the students' fieldwork; and
 - 5) a ninety-minute bi-weekly feedback meeting between a faculty member and two to four students working in the same or closely related fieldwork placements.

NOTE ON FURTHER SOURCES

For accounts of the program offered by CUNY faculty members, see:

John Farago, 'The Pedagogy of Community: Trust and Responsibility at CUNY Law School', 10 NOVA L.J. 465 (1986).

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- Dinesh Khosla & Patricia Williams, 'Economies of Mind: A Collaborative Reflection', 10 NOVA L.J. 619 (1986).
- Howard Lesnich, 'The Integration of Responsibility and Values: Legal Education in an Alternative Consciousness of Lawyering and Law', 10 NOVA L.J. 633 (1986).
- Howard Lesnich, 'Infinity in a Grain of Sand: The World of Law and Lawyering as Portrayed in the Clinical Teaching Implicit in the Law School Curriculum', 37 UCLA L.REV. 1157, 1173-80 (1990).
- Joyce McConnell, 'A Feminist's Perspective on Liberal Reform of Legal Education', 14 HARV. WOMEN'S L.J. 77 (1991).
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For analyses offered by scholars outside the CUNY enterprise, see:

- Klienberg & Barnes, 'CUNY Law School: Outside Perspectives and Reflections', 12 NOVA L.REV. 1 (1987).
- Matthew Steffey & Paulette Wunsch, 'A Report on CUNY's Experiment in Humanistic Legal Education: Adrift towards Mainstream', 59 UMKC L.REV. 155 (1991).