

SUMMER WORK IN LEGAL PROBLEMS

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The average law school graduate can be assumed to be reasonably familiar with property law, but he is likely to be quite innocent of knowledge of the processes by which property is conveyed, mortgaged, leased, devised, or assigned in probate proceedings. For some it may never be necessary to be familiar with these processes, but for most it will be necessary at some time. Nearly one-half of all the graduates of the Law School of the University of Wisconsin, for instance, enter the general practice of law, where such knowledge is mandatory. How helpful can a law school be in helping him to secure it?

During the summer session of 1948 the Law School of the University of Wisconsin experimented with a new method of teaching law students something of this practical side of legal business in a course entitled "Summer Work in Legal Problems." Limited to ninety-one students of senior standing, the class met for three and one-half hours each weekday morning during the ten-week summer session, except Saturday, to listen to an integrated series of talks by seventy-one outstanding members of the bench and bar of Wisconsin explaining the procedure and techniques for accomplishing many of the jobs that come to the average attorney. The course contained instruction and practical work in the probating of estates, child adoption, appointment of guardians, drafting of wills and conveyancing instruments, examination of abstracts, practice in justice court and before state administrative agencies, preparation of tax returns, law office management, and the like.

This innovation in legal education found an enthusiastic response among the students and the judges, state officials, and attorneys who assisted in giving it. To the splendid cooperation of the latter the success of the course was largely due. Traditionally, practicing attorneys teach some of the courses in both adjective and substantive law in the school, and judges and attorneys frequently appear as guest lecturers. The course which was initiated last summer, however, permitted the school for the first time to take advantage of the breadth and variety of experience of a large panel of judges and attorneys.

The school has long recognized the existence of what Dean Rundell has described as "the gap that lies between the acquisition and the application of legal knowledge." This is indicated by its long-standing requirement that a student must serve a six-month apprenticeship under a lawyer before receiving his degree. The summer course in legal problems was offered as an alternative to this apprenticeship requirement.

In theory, the apprenticeship plan is excellent. An older practitioner can guide the neophyte past many pitfalls and instruct him in many phases of the practice not to be found in books. Moreover, the apprentice deals with

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actual rights of real clients, which gives a meaning and importance to his work difficult to simulate in the classroom.

There are, however, disadvantages in the plan. The influx of veteran students immediately following the war has been of such magnitude that it is impossible for all students to secure satisfactory locations for office practice, and the fact that many of the present students are men with family obligations makes the problem of apprenticeship especially acute, since they cannot afford to work at the prevailing salary rate for legal apprentices. Moreover, even when an apprenticeship position is secured and is served with a firm of standing, the apprentice may possibly be used as a mere errand boy or trained in a very narrow field. For instance, he may be taught to investigate automobile accidents, do only that work for the firm, and learn little else. The apprenticeship may also on occasion amount to a sharing of ignorance between the apprentice and another novice who has but recently received his degree. Even when a younger member of the bar is quite competent, the extent of his practice is usually insufficient for the apprentice to gain experience in dealing with a wide variety of material.

Reasons such as these led to the determination to organize the course in legal problems. The next question was as to the subject matter to be covered. It was ultimately decided to place the emphasis on *how to proceed* in relatively simple matters of the sort likely to be most frequently dealt with by the young lawyer in his early practice. It was felt that time limitations would not permit exhaustive treatment of complex problems. In the final week, however, students were asked to solve a comprehensive problem cutting across law school course lines, with the hope of indicating to them the interrelationship of such courses.

The plan of the course was to begin each new subject with a lecture by a judge or lawyer especially skilled in the subject. In this lecture the procedure required in doing the specific work would be explained. In some cases this was to be followed by a demonstration, as, for instance, a proper ceremony for the execution of a will, or a hearing before a judge on the proof of a will. Students were to apply their recently acquired knowledge of how to do the specific job by actually doing it. Thus, after learning the procedure in abstract examinations, they were to examine an abstract; and after a discussion of garnishment they were to draft the necessary documents and try a garnishment action before a judge.

The response of judges and attorneys, when asked to participate in the program, was most gratifying. During the two weeks devoted to probate court matters we were so fortunate as to enlist the services of seven capable probate judges, who outlined the jurisdiction of the probate court, the procedure in administering estates, and adoption and guardianship matters in which students selected at random served as attorneys. An experienced trust officer of a bank and two prominent attorneys discussed the drafting and execution of wills and estate planning, after which students drafted wills which were examined and criticized by a faculty member.

Students were taken to a modern abstract office where the preparation of abstracts was explained. They were instructed in the procedure for abstract examination, after which they examined an abstract and rendered a title opinion. They were given further explanatory talks on the clearing of

title defects and the drafting of offers to purchase, deeds, mortgages, land contracts, commercial leases and farm leases, and solved problems involving the preparation of these instruments. One-half of the class then represented sellers and the other half purchasers in the closing of a real estate deal from the offer to purchase to the recording of the deed.

Four justices of the peace and several attorneys conducted the instruction in justice court matters, which included jurisdiction, practice before trial, election and duties of justices, judgments and executions, appeals, attachment, garnishment, automobile accident actions, wage claims, replevin, unlawful detainer, and ordinance violation trials. Several trials were held before the justices with students serving as attorneys.

An assistant attorney general and two former district attorneys spoke on criminal procedure and the rights of an accused upon arrest. Students were required to draft criminal complaints and warrants.

Members of the class were informed as to procedure before legislative committees, county boards, the Public Service Commission, and the Industrial Commission by experts in these fields, and conducted hearings before examiners of the commissions.

A full week was spent in discussing tax matters by attorneys and public officials steeped in the learning and craftsmanship of that subject, with several returns being prepared by the students and duly criticized by a visiting attorney or a faculty member.

Other miscellaneous matters discussed by prominent members of the bar were change of name, drafting of ordinances, investigation of automobile accidents, pre-trial conferences, adverse examinations, law office accounting, legal fees, legal filing systems, extrinsic aids to legislative construction, tips on the use of the statute book, and a most inspiring lecture on legal ethics by the Honorable Marvin B. Rosenberry, Chief Justice of the Supreme Court of Wisconsin.

The comprehensive problems to which the last week was devoted were framed by highly qualified attorneys having considerable experience in legal counseling. Students were given these problems in small groups which met at the close of the week, with the attorney submitting the problem for a full discussion of all its ramifications.

All documents prepared by students were corrected by faculty members and critiques were conducted either by a faculty member or a judge or an attorney. Student preparation for each trial or hearing was excellent, since none knew who would be called on to participate and the students were hesitant to embarrass themselves by poor preparation before the judges and attorneys before whom or with whom they hoped to practice in the very near future.

There was a certain amount of overlapping in the talks given by different speakers and, indeed, a few apparent contradictions. The latter could usually be reconciled during subsequent critiques and question periods conducted by faculty members. The course was not conducted on the assumption that it would or could make the students finished lawyers.

The realism of the law office may be approached but can never be fully realized even in this type of program. The course has, however, been wel-

comed by the bench and bar on the one hand, and by the law students on the other, as at least a partial answer to the problem of bridging "the gap that lies between the acquisition and the application of legal knowledge." Its success seems to warrant the conviction shared by all who have had a part in it, that it at least measurably shortens the period during which the young lawyer is not "worth his salt."