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The Changing Education and Role of Lawyers

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ARTICLES

THE CHANGING EDUCATION AND ROLE OF LAWYERS

*by the Honorable Ellen A. Peters**

Mayor Buccì, President Greenwood, Dean Benbow, former and present deans and faculty, members of the judiciary, distinguished guests, ladies and gentlemen:

I am delighted to be with you on this very happy occasion. Today's groundbreaking is a visible sign of the vitality of the University of Bridgeport School of Law as a major force for quality legal education in Connecticut. Appropriate facilities are essential for this as well as for every other educational institu-

* Chief Justice, Connecticut Supreme Court. This address was delivered at the groundbreaking ceremony for the new classroom building at the University of Bridgeport School of Law on September 9, 1988.

tion. Only a few years ago, the University of Connecticut Law School moved to newly renovated law school buildings, and the Yale Law School is now embarking on necessary capital rejuvenation of its fifty year old plant. I salute all of those who have worked hard for this day in recognition of Bridgeport's need to have its law school buildings reflect the school's high aspirations for the training of lawyers committed to excellence in our profession.

How lawyers should be trained is of course a question that transcends the availability of appropriate facilities. In Connecticut, it was about one hundred years ago, in 1881, that the State Bar Association first undertook to centralize requirements and to institute a uniform, state-wide bar examination. To prepare for that undertaking, young men and women were required to obtain professional instruction for three years, either in the office of a practicing attorney or in a law school. Combined programs must have been the order of the day, when many law schools offered only two years of formal classes, so that clinical instruction was, early on, built into the overall preparation for the Bar. In the middle of this century, in 1951, requirements were tightened to require pre-law education to include a college degree and to insist that professional education take place in an accredited law school.

While legal training has thus become a tighter mix of the academic and the professional, in other ways our profession is more open and accessible than it was one hundred years ago. Many traditional barriers to entry have fallen by the wayside: women as well as men, older students as well as immediate college graduates, men and women of all races and national origins, without regard to citizenship or state of residence, have come to join our profession. Their diversity enriches our classrooms and our courthouses. In a society which is committed to the principles of equality and justice, the legal profession has a special responsibility to assure that its constituent parts, and especially its law schools, truly provide fair access and equal opportunity in legal training.

For the good of our society, I am heartened by the continually broadening interest in our profession. Today marks my second official visit to Bridgeport this year. The first occurred last April when a session of the Supreme Court was held at the

Courthouse on Golden Hill Street. Everyone who was involved with that program was tremendously impressed by the degree of interest shown by the high school and college students from the Greater Bridgeport area. I believe their eager participation offered a good example of the high level of interest in our profession among many of our younger citizens, which can only be a healthy omen for the future.

Familiar statistics demonstrate that the law indeed remains an attractive profession. This year 1,961 individuals applied for admission to the Bar in Connecticut, a 24.1 percent increase over the number who applied in 1986 and nearly double the number of applicants only six years ago. Perhaps even more important, applicants in record numbers are passing the Bar examination!

It is fair to note that such enthusiasm for the law is not universally shared. There are critics outside the profession, and perhaps even some within it, who insist that we already have too much law and too many lawyers. I disagree. To the contrary, we should do all that we can to attract to our ranks from throughout the population, especially from women and minority groups, the brightest and most energetic applicants, regardless of their number. Our policy should be one of encouragement rather than discouragement so that legal services will be readily available to all those who need them — for better resolution of old grievances and more adequate consideration of new ones.

Lawyers perform a vital role in helping us to address the never-ending challenge of change. Courts and legislatures are continually responding to changes in our economic, scientific and social world.

When I was in law school, there was no such thing as consumer law, and many people who were injured by shoddy merchandise were simply stuck with their losses. We were reliably informed that asbestos was good for fire prevention but not that it was bad for people; and our bankruptcy laws did not then envisage corporate reorganization as a device for managing massive tort liability. Thirty years ago when, as a young teacher, I was assigned the course in family law, the available materials did not worry about custody and visitation rights in complex families, and no one mentioned the trauma associated with sexual abuse of children or with unwanted pregnancies.

Our court agenda continually raises new issues to which there are no obviously right answers, whether the case involves disclosure in the courtroom of the fact that a criminal defendant has AIDS or a decision in a hospital about the termination of life support for a patient who is hopelessly ill.

In resolving these new issues, courts need to enlist the resources of the best-trained professionals we can find. We need to uncover the available legal landmarks that might be persuasive analogies. We need advice on when to intervene and when to temporize in accordance with the passive virtues acclaimed by Professor Alexander Bickel. We need to be reminded of legislative changes that both reform and destabilize the law — and that have radial implications for related concerns in the common law. For example, legislative changes in the laws governing sale of liquor to minors played a major role in our recent decision imposing tort liability on a social host for providing liquor at a teenage graduation party.

Just as the issues confronting lawmakers have changed, so has the configuration of the profession changed. Graduates of this law school will find themselves confronting pressures and choices that did not exist a generation ago. The image of the lawyer as a genial country scholar has long been replaced by the image of the business-like professional, law book in one hand and computer in the other. But law-as-business has not simplified the legal issues that lawyers must address. Litigants and courts want answers to questions that are as difficult to frame as they are to resolve — and we all want the answers yesterday. At the same time, and properly so, the legal profession, because of its signal capacity to contribute to the public welfare, is increasingly accountable for its actual and perceived misdeeds to the general public — a public which is more knowledgeable because of the openness which the judiciary and the Bar have fostered. It is therefore vitally important that the law schools continue their leadership role in educating young lawyers about their legal and ethical responsibilities, both in formal courses in legal ethics and in the legal clinics that furnish supervised exposure to the ethical choices that practitioners encounter.

There is no escaping the reality that lawyers — despite the fact that they are much needed, maybe *because* of the fact that they are much needed — will always be much criticized. To my

mind, surely that of an entirely biased observer, that is a price worth paying for participation in a profession that is, in the final analysis, truly exciting, challenging and rewarding. It is worth the struggle of law school, the Bar examination and the travails of criticism that is sometimes unjust.

Why? Because lawyers play a vital role: in ensuring the continued vitality of our individual rights and personal freedoms of speech, assembly and religion; in providing the services that enable individuals and groups, single proprietors and corporations, to have their grievances receive fair consideration; in assuring the development of the law in its progress toward creating a more just and caring society. Finally, it is worth the struggle because of the direct participation of all attorneys in the judicial process that distinguishes us as a free society.

Several days ago, I returned from a visit to the Soviet Union. Much has been written and broadcast in recent months of the progress that apparently is being made within the Soviet system to improve individual rights for its citizens. We all hope that the promise of *glasnost* is realized. But one needs to spend only a short time there to realize how far that system must go and how significant that revolution must be for its citizens to enjoy the freedoms which we in the United States take for granted.

As Chief Justice, as a lawyer and as a naturalized American citizen who grew up in Nazi Germany, I admittedly have a special admiration for our law. I am endlessly intrigued by its intricacies, its subtleties and its nuances, and endlessly encouraged by its capacities for growth and change. My distinguished Yale friend, Professor Grant Gilmore, once noted: "What makes Law, its study and practice, qualitatively unlike most other things that human beings do is that we can never be sure of anything." I would add one caveat: There is one thing of which you can be sure. In choosing a life in the law, the students who will one day pass through the building for which we are breaking ground today will enter a profession of infinite variety and endless fascination.

I welcome them. Like their predecessors here at Bridgeport, they will enrich our courtrooms and broaden our horizons. Together, we will work to make the best legal system in the world even better.

