Columbia Law School Clinics: Teaching the Real World of Law

COLUMBIA'S FOUR CLINICAL PROGRAMS serve different constituencies but have a common goal: "We try to lift students from school to real life, where they are confronted by demands for professional zeal, ethical conduct, and attentiveness to client needs," said Professor Mary Marsh Zulack. "These expectations and responsibilities make the clinical experience one of the most useful and exciting features of the students' law school years."

Helping students make the transition from being students to being professionals is no small task, but Columbia's clinical professors are clearly up to the challenge. They possess the strength of their convictions, a wealth of experience, and a vision for teaching law and practice.

Clinical training goes beyond minting lawyers who want to become public advocates: Faculty take students who are heading for a variety of careers and, with exposure to real legal problems and real clients, help them develop a methodology that will enable them to be lifetime learners as they go forth from Columbia Law School.

Another goal of the clinics is purely pragmatic: to offer legal services to people who would otherwise lack them. Students draft papers, appear in court, take depositions, and mediate solutions for people who have no other available legal resources. The work is always approached as a learning opportunity for both clients and students, who are encouraged to give the highest possible level of representation.

"Students come to us with a good background in substantive law — in other words, much of the groundwork is in place," said Professor Conrad Johnson. "What we do is help them take their first steps as lawyers and examine all their abstract knowledge and assumptions in the face of reality."

The Law School's four clinical programs - Prisoners and Families, Fair Housing, Non-Profit Organizations, and Mediation - are described below.

The prisoners and families clinic (PFC) operates at the intersection of criminal law and child welfare, and it may be the only such clinic in the nation, according to Professor Philip Genty, who runs the program with Visiting Professor Laurie Barron and Lecturer Daniella Liebling, an expert in social work.

Students in the yearlong PFC represent prisoners in a variety of legal issues, most of which involve maintaining or regaining parental rights. An additional prisoner-education component of the program is managed collaboratively with a small group of prisoners incarcerated at Bedford Hills Correctional facility in Westchester, headed by two women prisoners who have M.A.s in psychology and education, respectively. These women facilitate the work of the Columbia students in teaching legal workshops on parental rights and responsibilities to women who have just arrived in prison.

The students spend most of the first semester preparing for the actual work they will do inside the prison. In a twice-weekly, intensive seminar, they study substantive law and legal ethics and examine the ways in which race, gender, and class affect the attorney-client relationship. They also receive training in interviewing, counseling, and advocacy skills.

Then role-playing begins; students divide into two groups of "students" and "clients" in an exercise designed to provide insight into the views of prisoners whom they will serve. In subsequent weeks, the role-playing gets richer, as students interview and counsel "clients" played by actresses. The sessions are videotaped and critiqued by the faculty.

"The videotaping is fascinating," said Prof. Genty, from PFC's new headquarters in Warren Hall. "Students see themselves being judgmental, telling clients how they should be running their lives, giving them advice on parenting, everything except listening carefully and trying to understand what legal advocacy is needed. The students can see the effect on the 'client,' who literally cringes in discomfort and mistrust. For most students one such viewing teaches more about interviewing and counseling than an entire shelf of interviewing texts."

After these important preliminary exercises, students are ready for a taste of the real world. They travel to Bedford Hills to observe the classes and to plan for their own future interviews with prisoners. Their work may involve helping incarcerated mothers who are losing their parental rights and helping those who are about to be released regain custody of children. Students also assist women who have been denied parole, particularly victims of domestic violence convicted of crimes against their abusers.

"The focus on education as a way of reaching a lot of women is unusual. It provides a very good way for our students to learn the substance of the law," explained Prof. Genty.

Ebelechukwu A. Obi '98 worked on cases involving denial of parole and termination of parental rights. The latter case was more difficult, she said, because her client was in prison for a child-related crime. "I learned how difficult it is to deduce just what clients need, particularly when they have difficulty articulating their stories. I also learned how lawyers must sometimes help the client to form more 'reasonable' goals in light of their circumstances."

"All the glitz of TV-show law disappears at the prison sessions," said Prof. Barron. "The students realize that they are helping women, literally, fight for their lives. Representing women in prison, most of whom have experienced terrible hardships, is a major emotional test for many of them."

Students who are not parents have an added struggle to understand the actions and motivations of their clients. "The issue of whether we should be in the business of assessing a person's worthiness to be a parent..."
always comes up," added Prof. Barron. "A big part of being a lawyer is figuring out what it means to be an advocate for a person, and not just for a person with whom you agree."

role of a client. Under unsparing questioning by the "client," the students have to explain sophisticated concepts clearly — this involves a grasp both of federal, state, and city fair housing statutes and the realities of cases in state and federal courts and in each of the three human rights agencies in New York that addresses discrimination. Students also have to explain the range and availability of several types of damages and other remedies and how they all play out.

The cases range from representing persons thwarted by racial discrimination when they were on the brink of buying or renting an apartment to families driven out of their homes when a new landlord takes over the property. The cases are typically complex and hard-fought, exposing students to a rich variety of intellectual and professional issues.

"The 'boundaries' that often separate law school courses fall away," said Prof. Zulack. "There are problems to solve, decisions to be made, and students must learn where to turn — the Code of Professional Responsibility, legislative history, administrative regulations...the entire legal world must be examined in the context of representing a real client."

The effect on law students of dealing with real clients is a strong one — so strong, it can change career paths. Camilla Jackson '97, a litigation associate at Cadwalader, Wickersham & Taft took the FHC in the fall of 1996 and says if it weren't for the clinic, she would have gone into corporate law. She worked on a case involving a client who had won a substantial money judgment against a landlord for particularly brutal acts of discrimination. The landlord had never paid the judgment, but the tenant continued to live in the building and, by agreement between counsel, had "collected" the judgment by offsetting it against the rent each month. Suddenly, the landlord started an eviction case for "unpaid rent," even though there were still many thousands of dollars owed on the judgment. The landlord, out for revenge, had also stopped making repairs to the apartment. The FHC, Ms. Jackson said, showed her the role of lawyer as a problem solver. She also discovered her role as a counselor who provided information to help

clients make their own educated decisions.

Another feature of the FHC is its pioneering work with electronic materials and the World Wide Web in legal education. The FHC was the first nationally to offer course materials (statutes, cases, and related readings) in electronic format.

The non-profit organizations clinic (NPOC), in which students represent non-profit organizations in corporate and tax matters, was one of the first clinics in the country to expose students to transactional practice.

Clinic students work both with new and mature organizations, interviewing members about their goals and plans, counseling them about the corporate and tax alternatives, helping them to create the appropriate legal structures, and educating them about complying with the obligations of the legal structure they have chosen. Typical clients are groups developing education and employment programs for disadvantaged youth, human rights organizations, groups developing housing for the homeless, community development organi-
Learning from Neutrality

In Professor Carol Liebman’s Mediation Clinic, “the focus is on problem-solving rather than on litigation, and it’s a new development in clinics.” Mediation Clinic students are not necessarily in training to be professional mediators, but to be, as Prof. Liebman put it, “wise counselors.”

“The listening skills necessary to being a good counselor are easier to obtain in the role of a neutral than in the role of an adversary,” she pointed out. “As a neutral, you can focus on listening. You’re not worried about giving information away. You can recognize the underlying issues, and the role that emotions play, even in business conflicts.”

While Mediation Clinic students don’t take on an advocacy role, they are plunged into conflicts fraught with, as Prof. Liebman put it, “high levels of anger.” The challenge for the students, who complete a 24-hour mediation skills program and who spend time observing mediations before they try one on their own, is to help parties to a mediation work out a solution.

The task is more difficult than it sounds. After all, students have come to Columbia to be lawyers—to gather facts and marshal them on a client’s behalf. “At first students tend to focus too much on the historical facts in a conflict and to rush toward a solution,” said Prof. Liebman. It takes a good deal of practice and self-restraint to get the art of mediation into the blood: helping people solve their own problems. “In the end, it’s a richer process,” said Prof. Liebman.

Prof. Liebman also runs the Negotiation Workshop, which always has a long waiting list. The workshop provides students with an experiential, simulation-based introduction to the theory and practice of negotiation. Students participate in role plays, reflect on their experiences in weekly journals, and review videotapes of several of the negotiations. Students develop their skills in negotiations involving corporate, environmental, and family issues.

(For a further look at Prof. Liebman’s Mediation Clinic and Negotiation Workshop, see the spring 1997 issue of the Report.)

that can arise among members of a group. They have to be educators, teaching clients about what’s involved in operating a tax-exempt organization.”

Intensive videotaped simulations help prepare students for their work with clients. “Students in the traditional classroom can be relatively passive, but in clinics they have to use the law to help their clients,” said Prof. Schatz. “They have to bring an understanding of the law with lawyering skills. They have to think about ways to engage clients and make them comfortable. It takes a lot of practice to pull this all together, everything from explaining hard concepts to matters of tone. For example, how do inexperienced students make clients confident in them without being pompous?”

The great thing about clinics, added Prof. Schatz, is that students can take on the responsibility for representing clients in a protected environment. “The cases are the students’ cases, not mine,” she said, “and I almost never meet with the clients. But I’m heavily involved in getting students to think critically about what they’re planning to do and what they have done.”

Ethical issues often crop up, according to Prof. Schatz. “There are individuals who want to set up tax-exempt organizations with their personal interests at heart. What are your responsibilities to the organization as a whole? Or suppose you think your client is unlikely to live up to representations that need to be made to get a particular tax benefit?” asked Prof. Schatz. “These situations are always challenging for students because they have to act, not just think about how they would act in such a situation.”

Benjamin K. Semel ’98, who worked with Knowledge Recovery Fund International, Inc., an organization dedicated to preserving indigenous medical remedies, said the clinic “showed me how all the pieces of the puzzle fit together—substantive law, ethics, procedure, client relationships. Learning each of these things separately seemed to leave gaps in my understanding of law.” Mr. Semel also gleaned another benefit from the clinic: “I gained confidence in my knowledge of law. While we know everyone at Columbia is intelligent, many students are still afraid that they...
The Profession of Law: A Hands-On Approach to Teaching Legal Ethics

The profession of law (POL) course, which has just completed its fifth year at the Law School, was created by Professors Carol Liebman, Jim Liebman, and Harriet Rabb to address a longstanding problem — giving students a realistic sense of the ethical and professional conflicts they will confront in a profession with high ethical expectations through a mandatory upper-level course that must accommodate hundreds of students each year. Previous courses at law schools around the country were mostly ineffective because they covered too little ground, were too abstract in their coverage or failed to give students a sense of how practical pressure prompts ethical short cuts.

Defined by Prof. Carol Liebman as an "interactive, experiential exploration of lawyer ethics," the POL course is exactly that, and more: a weeklong series of intensive seminars, videos, role playing, and negotiations whose issues are designed to put students on the ethical and professional hotseat and whose modus operandi are designed to keep them engaged. Specifically, the students are given three cases with which to wrestle. One involves problems faced by a law firm that fears it must withdraw from representation of its major and most profitable client. In a second, they represent a defendant in preparation for his felony murder trial and, after conviction and sentencing, in his death penalty case. In the third, they negotiate a separation agreement in a divorce case.

The timing of POL couldn't be more suitable; the credit/no credit course is given to third-year students during the first week of school, when they are fresh from summer firm experience and interviews.

The POL, described in its early stages in the spring 1994 issue of the Report (p. 64), has undergone a number of changes fueled by student and instructor feedback. In recent years, as word of the course and its effectiveness spread among alumni/ae and the legal community, the Law School has drawn a larger range of instructors, who come from a variety of practice.

"The experience for students is richer. Our non-faculty participants come from white-shoe firms, small firms, government bodies, legal aid, and prosecutorial agencies," said Prof. Jim Liebman. "Some of them may come in with a recent experience of their own that they can use to illustrate certain points."

With more instructors, students now meet in smaller groups, said Prof. Jim Liebman. "We've tried to squeeze out the big reflection sessions, with all 350 students present, in favor of meetings with groups of 12 and 24 students. This has allowed more talk about the nuts and bolts issues of the cases we're discussing rather than abstract principles."

Over the years, students have consistently rated POL as an above-average course — 3.70 on a scale of five. It is a major accomplishment for an upper-level course that students expect to be preachy and non-substantive. And certain facets of the POL course have scored ever higher. The third case, known as the Travis divorce settlement case and which gives students a lot of room to test their wings as lawyers, rated 4.54.

However, despite the improvement over previous offerings on lawyerly conduct, faculty who oversee the POL are not completely satisfied. Prof. Jim Liebman sees a number of areas for improvement:

- To prepare a new set of cases and videos for future classes. "I suppose it can be considered a compliment that 3Ls tell 2Ls all about the course," said Prof. Jim Liebman. "But, when the 2Ls take POL, their reactions are not as pure because they've been exposed to the ideas. The same goes for instructors who help us every year;"

- To prepare a video on the Travis divorce case that shows a successful resolution of the negotiations. "We tell the students about the things they have done wrong or could have done better. I think it would be helpful for them to see how
the case could have been handled in a very satisfactory resolution for both parties'; and

- To follow up the POL course with a smaller session later in the year, after students have had time to mull over the details and principles involved in the cases. "The weeklong intensity has some benefits, but some drawbacks, too," said Prof. Jim Liebman, who would like to see faculty members take 10 students each for a follow-up session. At these sessions, students might read papers on the Travis case turned in by fellow students after the POL course was completed, or they might discuss a current real-life case of the professor's choosing.

Columbia's Center for Public Interest Law
By Laurie Joan Aron

The law as an instrument for social change has always been a signature theme at Columbia. Today, through its Center for Public Interest Law, this conviction is stronger than ever. As one of only a few law schools with a pro bono service requirement for graduation, and an extensive Human Rights Internship Program, public interest law at Columbia is a top priority.

Instituted in 1993, Columbia's pro bono requirement means that every graduating student will have completed a minimum of 40 hours of volunteer work. Beyond reaffirming the belief that public interest work is the professional responsibility of every lawyer, the pro bono requirement also helps students develop and improve their lawyering skills.

"At the end of the semester, students fill out a questionnaire about what they've gained from the pro bono program," said Ellen Chapnick, assistant dean and director of the Center for Public Interest Law. "The vast majority of them state that they've developed lawyering skills, including client interviewing and legal research."

Lawyering skills are also taught through the center's pioneering Human Rights Internship Program (see sidebar, p. 23), which provides stipends to students who, over summer break, work at international and domestic public interest organizations. Its Public Service Fellowships enable students to gain experience by working for not-for-profit U.S. organizations that serve public interest and government agencies. Additionally, the center runs the annual Morton Stavis Memorial Lectures, whose participants have included Defense Attorney Michael Tigar, U.S. Representative Charles Rangel (D-NY), and Director of the Southern Center for Human Rights Stephen Bright. On a less formal level, the center presents panel discussions and brown bag lunches. Workshops like "The Nitty Gritties of Planning a Public Interest Career" and the George Jaffin Public Interest Career Series to help students decide on and obtain a public interest career that will suit them. And post-graduate fellowships like the Leonard H. Sandler Fellowship, sponsored by Human Rights Watch, as well as fellowships sponsored by Kirkland & Ellis, echoing green, NAPIL, and Skadden Arps, help graduates build on the experience they received in law school.

As a result of all these offerings, recent graduates enter the world of law practice with an unprecedented level of preparation. "The skills you develop representing pro bono clients prepare you for corporate law as well as public interest law," noted Dean Chapnick. "The kind of pro bono experience Columbia Law students have had is a real plus in interviews with corporate law firms."

The Pro Bono Requirement
To complete their pro bono requirement, students can devise their own public service project or choose from a large selection of existing placements. The Center for Public Interest Law uses PBSA's nationwide database to match student interest with more than 1000 agencies seeking assistance from law students.

Many students work at "in-house" center projects where they are supervised by members of the Law School community or public interest lawyers. For example, students working at the Legal Aid Society's Community Lawyering Project are supervised by Dean Chapnick and a Legal Aid lawyer as they assist tenant groups and community development associations in Columbia's backyard. Participation in the Legal Outreach Mock Trial Program, a tutoring project that helps young students in the Columbia neighborhood, is supervised by James O'Neal, a long-time lecturer at the Law School. Professor Carol Sanger assists in the administration of the Domestic Violence Project. Other students work at a variety of outside organizations, including the Rosebud Sioux Reservation, various district attorney offices, the ACLU, Women's Legal Defense Fund, the Legal Center for the Defense of Life, the NAACP Legal Defense and Education Fund, the Atlantic Legal Foundation, and Harlem Legal Services, among others.
front of an administrative judge. The firm felt really good about that, a young associate getting such responsibility. But I'd already represented four or five clients while at Columbia Law School," said Mr. Leit.

Among the many public interest experiences Mr. Leit also benefited from at Columbia Law School was a summer stint at the criminal defense division of the Legal Aid Society and time spent as a defender at the Rosebud Sioux Reservation in North Dakota.

What students learn from clients is how to bridge the gap between the statute books and the complicated, messy problems real people present. It takes empathy and listening skills, for one, the ability to pick out or elicit the relevant facts, the skill to translate the client’s issue into a legal question, and the creativity to formulate and articulate not only a legal answer, but a real world strategy as well.

Barry Burland ’97, a first-year corporate associate with Milbank, Tweed, Hadley & McCloy, honed this skill set with Lambda Legal Defense while at law school. "I spent two or three hours a week just answering the telephone,” he recalled. “What I learned, listening to all these people, was how to relate to clients, how to translate what they were presenting into a legal question, find the answer to it in terms law school teaches us, and then to translate that answer back to the client.”

“The vital thing I learned was how to interview clients about sensitive, deeply personal issues,” recalled Vicente Tome ’94, now director of the Project to Mobilize Immigrant Students for Education at the Florida Immigrant Advocacy Center in Miami. "You have to gain the person’s trust and draw them out to talk about really painful memories.” Mr. Tome participated in the Human Rights Internship Program and did pro bono service representing people seeking political asylum in the U.S.

Mr. Tome recalls sharing his interest in liberation theology with a Salvadoran seminarian, and discussing his own family’s flight from religious persecution in Cuba. “Building trust with a client so that they'll open up, this is something I still do everyday in my practice,” he says.

Amy Barasch ’96, now a second-year associate at Hughes Hubbard & Reed, in New York, developed lawyering skills in her work with the Community Lawyering Project. Working closely with Legal Aid Community Law Office attorneys, she and two other law students assisted in representing the tenants’ association of a Harlem apartment building. “These tenants’ associations are typically made up of older ladies who moved into the building with their families when it was a nice place to live,” explained Ms. Barasch. “They're trying to keep the building together.”

This particular tenants’ association represented tenants in a building on West 116th Street, east of Morningside Park. “This building was in horrendous condition,” said Ms. Barasch. The landlord wasn't maintaining it. The front door was long gone. Drug dealers occupied the lobby, and in repeated drug raids, police had ripped the doors off the tenants' mail boxes and punched holes in the walls.

Ms. Barasch made a videotape as evidence of the building's condition. She also interviewed tenants about their experiences in the building. "I learned how to talk with people and gain their confidence," she

Columbia’s Groundbreaking Human Rights Internship Program

Each summer for 13 years, about 60 Columbia Law School students have provided legal assistance to a wide range of human rights and civil liberties organizations throughout the world. This year's Human Rights Internship Program (HRIP) students (shown above with faculty members) assisted at overseas placements such as the Truth and Reconciliation Commission and the Land Claims Commission in South Africa, the International War Crimes Tribunal for the former Yugoslavia, the office of the Honorable Martin Lee in Hong Kong and the Committee on the Administration of Justice in Northern Ireland. In the U.S., interns worked at capital defenders' offices, Children's Rights Inc., the NAACP Legal Defense and Education Fund, the ACLU, the Employment Law Center, the HIV Law Project, and the National Youth Law Project.

All interns are now required to take at least 15 hours of training so that they will be better prepared to start work when they arrive at their placements. They are taught by Columbia professors, human rights practitioners, and third-year students who are former HRIP interns. Training includes a panel on the breadth of human rights problems and solutions, lectures on basic human rights laws and the organizations that seek to enforce them, workshops on performing legal research on international and domestic human rights, and sessions on how to work in a multicultural environment. Students also meet with former interns and graduate students from the Law School and Columbia’s School for International and Public Affairs.
Seminar in Law and the Arts

This course combines seminar work with extern experience at Volunteer Lawyers for the Arts (VLA), a non-profit corporation that gives free legal services concerning arts-related issues to artists and organizations unable to afford legal fees. Each student spends one day per week at the VLA offices screening potential clients and performing research and drafting tasks. Students in the seminar, supervised by Professors Jane Ginsburg and Kellis Parker, meet once a week in a session conducted by Columbia faculty or VLA attorneys to cover substantive law and lawyering skills (students are required to have taken or be taking classes in copyright law, intellectual property, music industry contracts, law and theater, or law and the visual arts). Students also report regularly to VLA attorneys on issues at work, and attorneys and faculty meet to discuss student progress.

They'd suffered employment discrimination. "These people had emotional, social and political concerns," recalled Mr. Burland. "They felt they'd been discriminated against, and they wanted to sue. Sometimes, I just had to tell them that the legal process wasn't the best way to sort the problem out, that it could take 10 years, and be financially and emotionally draining. I had to counsel people that while a legal remedy was available, it would probably be better to just walk into their boss's office and discuss the issue."

Mr. Burland used the same counseling skills of sorting out the facts, translating them into legal terms and retranslating them for clients when he shifted his pro bono work to the Non-Profit Organizations Clinic. There, he worked with a group of actors trying to form a corporation. "I thought this would be a quick assignment, but it took months of counseling," he said. "They didn't know the first thing about running the corporation, about having a board of directors, or regular meetings, or that they couldn't take out personal loans from the corporation."

Ostensibly sophisticated corporate clients need counseling every bit as much as the pro-bono ones. Ms. Barasch recently represented a French business client who found the U.S. legal system as confusing and ponderous as her pro bono clients had. For any client, the problems that need solving are rarely strictly legal. Said Mr. Burland, "When people have problems they turn to a lawyer."

The pro bono requirement also thrusts students into the nuts and bolts of the legal system. Ms. Barasch particularly recalled her visits to housing court. "Housing court is a terrifying place," she said. "There are billions of people, and this huge cattle call where they call your name and you have to stand up and say something. I had no idea what you were supposed to say!"

Then, of course, there's learning to argue before a judge, learning to be a potent adversary and learning to get your client or witnesses to communicate effectively. "You have to prepare your client for direct examination so that the facts come out in an orderly way and tell a gripping story," said Mr. Tome. Of practical help, said Ms. Barasch, was "getting to see what legal papers look like, finding out what a legal brief is, figuring out the rules of jurisdiction."

Ultimately, though, what clients bring the law student is a fundamental reality check to a law school experience dominated by hypothetical cases and essay questions. Said Ms. Barasch, "to humanize the law was what was important."

The New Deal:
In Theory and in Practice, Columbia's Deals Course Defines Innovative Teaching

A good example of a law school course that is a successful synthesis of the practical and theoretical is the path-breaking "Deals: The Economic Structure of Transactions and Contracting." Influenced by lawyer and author David Barasch's book of the same name, the course was created to give students a realistic overview of the legal process involved in creating and operating businesses.

Criminal Court Clerkships

The Law School offers criminal court clerkships, in which students serve as part-time clerks to New York Supreme Court judges. The goal of the program is to deepen students' understanding of the rules of criminal procedure and the way they are applied and to use their experiences to critique the criminal justice system as it functions in New York. Students spend about 15 hours a week in the courtroom and chambers observing the proceedings, as well as discussing issues with the judge for whom they are clerking. There are also research and drafting assignments. The program is open to about 18 students per semester.
Externships Build Experience

Externships involve sending students into areas of practice to work with practitioners on day-to-day tasks. An externship is more than a solo sojourn into practice. Most externships require that a prerequisite course be taken. After the externship begins, students must report back to their professor about what they are learning in seminars. Oftentimes, papers and journals are required by the end of the externship. The experience is enriched by the active attention of a lawyer at the externship site who supervises the student’s work. Some of the Law School’s externship programs are briefly described below:

Professor Gerald Neuman’s program in immigration law, now in its third year, is a melding of academic study, discussion, and real world exposure to immigration law. Students, who number between eight and 10 per semester, are assigned to one of three placements, where they work 10 hours per week under the supervision of a practicing attorney. Placements include the ACLU Immigrants’ Rights Project, the Legal Aid Society, and a private immigration practitioner. Student duties include client interviewing, fact investigation, legal research, legal drafting, and on occasion, handling a hearing.

Students also meet every three weeks for two hours as a group in a seminar led by Prof. Neuman. The seminar meetings, during which the externs discuss legal or policy issues that arise on the job, are usually attended by one of the supervising lawyers.

“The externship is an eye-opener for many students because it gives them an appreciation of the effects of the immigration laws on people’s lives and the way that people’s real life problems cause them immigration difficulties,” said Prof. Neuman. “It gives them a taste of immigration practice, but, more importantly, it deepens their understanding of many of the topics we have covered in class.”

Prof. Neuman’s immigration class is a prerequisite for the externship, which is worth two hours and is taken on a credit/no-credit basis.

“The externship is that rare example of a law school course that affords students an opportunity to apply what they learned in the classroom in a way that directly and positively affects the community,” said Stephen S. Fan ’98, who worked at the Brooklyn neighborhood office of the Legal Aid Society. “It was a valuable way in which I could put to work knowledge of the immigration laws, through both research and writing on those laws, and direct client contact with the people who were directly influenced by them.”

Ellen Chapnick, assistant dean and director of the Center for Public Interest Law, supervises the Federal Court Clerk Externship, in which students clerk with a judge or magistrate of a U.S. District Court or U.S. Bankruptcy Court. The 25 students per semester must spend at least 15 hours per week working for the judge, including at least one day per week in chambers. Students also meet five times per semester to discuss various aspects of their experience, such as issues relating to justice and lawyering or access to the courts. Federal judges are often guest speakers at these seminars. The two-hour (plus one additional writing credit) course also requires that students reflect on their experience and record their thoughts in a weekly journal.

“This experience has been very rich for most students. They get a good glimpse of how judges make decisions and how lawyers influence those decisions,” said Dean Chapnick. “Students also draft at least two opinions, which are critiqued by the judge’s clerks or the judge herself. It is excellent training in advocacy and research and writing.”

Trevor Morrison ’98 said he learned a great deal about how the federal courts work and that writing judicial opinions also helped him better understand what constitutes good legal argument. “The best part about the externship, however, was getting to know the judge and his clerks,” he said. “Our conversations in chambers and over lunch were an education in themselves.”
We get the students' hands dirty by having them analyze real transactions.

A Practical Look at Bankruptcy Law

In the course on "Corporate Reorganization and Bankruptcy," Professor Mark Roe gives students a practicing lawyer's look at the law — in this case, bankruptcy law — and uses economic and finance theory to organize the categories of problems that students will face when they practice law. Prof. Roe's goal is not only to teach the major elements of corporate reorganization in chapter 11, but to teach how the major elements of business bankruptcy hover over financial transactions. "After all," Prof. Roe says, "a simple IOU would usually be just fine for a loan, if the lender weren't concerned with the borrower's potential problems." By seeing the bigger picture behind the deals, young lawyers-to-be will better appreciate how the business system fits together and better see the lurking policy issues.

"A traditional way to approach bankruptcy in law school," Prof. Roe says, "is to outline an anatomy of a bankruptcy. That's a fine way to teach budding bankruptcy practitioners, but a less useful approach for budding deal-makers and financiers. Thus a typical bankruptcy course might begin with the requirements for filing for bankruptcy or state law regulation of debt collection and might reach the contents of a bankruptcy plan of reorganization by the end of the course. But to a financier, it's the plan of reorganization that affects, alters, and enforces (or doesn't enforce) the financier's contract. To financiers, what happens in bankruptcy to the borrower's obligation to repay is central and, hence, the most important place to begin is where bankruptcy ends: with the contents of the plan of reorganization. In the course, we learn the bargaining context of plan formation, the principal warps in the bargaining process, and how these feed back on debt collection, loan renegotiation, and how lending deals are put together in the first place."

Prof. Roe's goals — of both getting the lawyer ready for financing deals and of understanding the theoretical problems lawyers and clients face in most deals — affect his choice of course materials. "When we can, we use not just judicial opinions, but the materials that financing lawyers use day-to-day: bond indentures, prospectuses, materials about drafting loan agreements, and SEC documents," says Prof. Roe. "Moreover, the lawyer will be more successful if he or she knows the basic intuitions from finance theory, -- not just discounting, present value, risk, and diversification, but also principal-agent theory, monitoring, information incompleteness, and so on."

practice, but have done little to get students ready for the transactional side," said Prof. Goldberg. "We thought that we would like to design a course that emphasizes the theoretical issues common to real transactions."

The course is unusual for a variety of reasons. Taken by both Columbia Law and Business School students, Deals begins by introducing the economic tools lawyers and businesspeople need to evaluate contracts, including transaction costs, information economics, risk-sharing and incentives, property rights, and finance. In the second half of the course, students apply those tools to analyze real transactions. In the past, the deals have included movie financiers, venture capital transactions, securitization, and mergers.

"We get the students' hands dirty by having them analyze real transactions," said Prof. Goldberg. To add even more real-world dimension, the lawyers principally involved in structuring transactions come to the Law School for in-depth discussions.

"This interaction with the best practitioners we can find is a continual reality check for us, the professors, to see how successful we've been in framing the first half of the course," said Prof. Gilson. The goal is to give students the opportunity to test how the class's approach corresponds to the way those who "did the deal" understood it.

"I think it is a good idea to mix business and law school students together. It gives each an appreciation for what the other's role is in a deal," said Mark Palmer '94, who works in mergers and acquisitions at Sullivan & Cromwell in New York.

One of the most popular courses at the Law School since its debut in 1993, Deals teaches hands-on skills that cut across the so-called divisions of "corporate" or "public interest" lawyering, according to Prof. Gilson. "While I think this course gives our students an advantage over their peers as first-year associates, it would be a mistake to look at this as a course just for students interested in a career on Wall Street or corporate law," he said. "We're talking about giving students a set of tools that have powerful application in the world of public interest and non-profit law as well."