

Jon L. Mills
University of Florida

THE LAW SCHOOL'S ROLE IN PREPARING LEADERS AND LAWYERS FOR THE NEW WORLD

1. PREPARING LAWYERS AND LEADERS FOR TOMORROW

Law schools have always been places to learn how to think critically and implement a vision of societal change. Leadership has always required that skill. It is no wonder, then, that lawyers played a pivotal role in both the creation of America and the transition in Poland to today's democracy¹. Leaders with these types of skills taught by law schools are just as vital today to democracy as they were during these previous points in our history. One study of legal education called lawyers "architects of order"². A better description would be architects of democracy, or agents of change³. Because the world is more complex today, the task of providing leaders for the new world is a more complex task than ever before.

Law schools need to understand that leadership for tomorrow now requires an understanding of the world in which we live today. That statement holds true for law schools worldwide. The American Bar Association has recognized that internationalization of legal practice requires law schools to better prepare their students for what they will face⁴. Perhaps fifty years ago the University of Flor-

¹ See F. C. Zacharias, *True Confessions about the Role of Lawyers in a Democracy*, "Fordham L. Rev." 2009, No. 77, p. 1592, n. 5 (out that "[t]hirty-five of the fifty-five delegates to the Constitutional Convention were lawyers"); F. Bloch, *The Global Clinical Movement: Educating Lawyers for Social Justice*, Oxford University Press 2011 (describing the role lawyers played in Eastern Europe at the demise of the U.S.S.R.).

² See A. Bernabe-Riefkohl, *Tomorrow's Law Schools: Globalization and Legal Education*, 32 "San Diego L. Rev." 1995, No. 32, p. 162.

³ See J. Mills, T. McLendon, *Law Schools as Agents of Change and Justice Reform in the Americas*, "Fla. J. Int'l L." 2008, No. 20, p. 6.

⁴ The recent American Bar Association Taskforce on the Future on Legal Education did not make any explicit recommendations for how law schools should prepare students for the internationalization of the legal practice, but did note that it would elect to evaluate the suggestions for doing so made by other groups studying the issue. See *ABA Taskforce on the Future of Legal*

ida could prepare their students to practice law in a small rural town and believe that it had done its job. Now, however, wherever that student practices they may encounter international complexity. A student practicing family law in central Florida may find that a divorce proceeding requires him to understand Colombian marriage laws. Another young lawyer in Miami may not only benefit from understanding the culture of the South America country where he was working on securing financing for an energy plant located in that country, but also the country's set of laws and legal culture⁵.

To meet this global challenge, law schools must demand that their students take classes that provide an understanding of transnational and international law but also have the opportunity of direct experience in these fields⁶. Increasingly, exchange programs among law schools have been effective. In the past there have been academic barriers and practical barriers to exchange. Many of those have been removed and law schools must collectively seek to make this important training easier and more available. Of course, there are language and financial barriers but the institutions that surmount those barriers will be the law schools that succeed in preparing the best leaders.

Leaders must also understand reality beyond the classroom. Understanding principled public service and leadership means understanding the entire range of the human experience. Many law students have lived privileged lives. Many have not. All should be required to participate in public service activities in law school. Many colleges now require some pro bono activity and some bar associations do as well. Lawyers are given tools and a privileged position that allows them to help others. Both in law school and beyond we should represent the underrepresented and disadvantaged in our society. Some students have made that experience in law school into their life's work. They discovered that helping others was their personal calling. Whether it becomes their actual job or not, leaders must understand the role of law in the lives of everyday people. That direct experience and knowledge cannot be obtained in a classroom.

Because the world is more complex and challenging we have to make our classrooms match that challenge. Leaders in law may need to understand biology, medical science, ecology, finance or aeronautical engineering. It is not our role to make students scientists but it is our role to expose them to the complexities that will affect their lives as lawyers and leaders.

Education, Report & Recommendations, Jan. 2014, p. 13, available at http://www.americanbar.org/content/dam/aba/administrative/professional_responsibility/report_and_recommendations_of_aba_task_force.authcheckdam.pdf.

⁵ For a good overview of how globalization affects the legal profession, see R. Michaels, *Globalization and Law: Law Beyond the State*, (in:) R. Banakar, M. Travers (eds), *Law and Social Theory*, 2nd ed., Hart 2013, p. 303.

⁶ See F. Ali, *Globalizing the U.S. Law School Curriculum*, "Int'l J. L. Info" 2013, No. 41, pp. 252–253.

For instance, consider the increasing use in litigation of electronic discovery. A simple, pre-litigation discovery dispute can now require that practitioners know the intricacies of digital data storage and possess a passing knowledge of computer science.

Perhaps the most important education a law school can impart upon their students is a better understanding of a society's culture of law. The best way to do so while allowing such a culture to flourish is through exposing students to different forms of that culture throughout the world⁷.

Private international law, the law that regulates private entities engaged in transnational transactions, no longer mirrors the traditional public international legal regime⁸. Globalization, lessening the importance of traditional national borders, has seen the rise of transnational non-state actors, which have required an understanding of culture.

2. LAWYERS' ROLE IN PUBLIC POLICY AND CONTEMPORARY DEMOCRACIES

Democracies worldwide require constant vigilance and the ability to evolve. After all, it was lawyers that compelled the U.S. to integrate public schools. If the lawyers in *Brown v. Board of Education* had not been skilled, visionary and persistent, they would have failed.

The task of making laws and changing policy is challenging and complex. Learning more about international law, public service realities and the complexities of the new world in practicing law and making policy are each central. Additionally, students can learn how to be leaders and policy makers by actually participating in real life issues. Democratic systems are perhaps the most difficult to maintain of all governmental systems and require the most engagement by those individuals with the training and commitment necessary to preserve the rule of law. When former Pakistani president Pervez Musharraf suspended his country's constitution in 2007, it was the country's lawyers who took to the streets in protest, making it clear to some commentators that Pakistan's lawyers were truly the "guardians of citizenship"⁹. Those lawyers risked their freedom. They even risked death. And in the process they reminded the world of the important role lawyers play in democratic and aspiring democratic societies.

⁷ See J. M. Burman, *The Role of Clinical Legal Education in Developing the Rule of Law in Russia*, "Wyo. L. Rev." 2002, No. 2, p. 100.

⁸ Cf. E. Brown Weiss, *Rise or Fall of International Law*, "Fordham L. Rev." 2000, No. 69, p. 347.

⁹ F. C. Zacharias, *True Confessions about...*, p. 1597, n. 1.

Today, legal education has begun to talk in terms like “experiential learning” and creating “practicums”. The idea is to participate in real issues. The idea is not new or unique. Many other professions pay closer attention to practical experience and internships. Doctors spend years in a residency.

In the case of building leaders for public service nothing is more effective than exposing students to real world problems. Our college has done this kind of program over the years. A student may research a statute to protect endangered sea turtles and then watch it be enacted.

They may research a constitutional amendment that creates a higher standard for public education and see the people of the state vote to put it in the constitution. They can help write an *Amicus Curiae* brief on racial discrimination in voting practices. Those experiences are exhilarating for students and are lifelong lessons.

Further, exposing students to real world problems require exposing students to society’s injustices. This exposure helps students “verify the commitment of their own societies to ‘democracy’”¹⁰. Only by gaining an understanding the imperfections and shortcomings of a society’s commitment to democracy can students begin the process of strengthening that commitment through shaping policy and informing legislation.

Knowledge can be gained in the classroom and then used in the real setting. Students may intern for legislators and Senators. They may work on a project for a city council. They may spend a semester working for a Supreme Court Justice. Invariably they will learn about how the experience of the classroom helps them but they will also learn that there is much more to the real world than the classroom can ever teach. There are personalities, politics and points of view they may not have thought of. They will experience success, failure and compromise. Those experiences are hard to replicate in a classroom.

The legal academy has not always embraced skills learning, externships and “experiential learning”. Thankfully, that has changed. The collaboration between the University of Florida Levin College of Law and the University of Warsaw is a shining testament to that change. Still, leaders in both legal academia and the profession at large should continue to work toward extolling the values of experiential learning by showing students the connection between skills courses, transnational law courses, cultural exchange programs and their careers¹¹. Ultimately,

¹⁰ P. N. Phan, *Clinical Legal Education in China*, “Yale Hum. Rts. & Dev. L.J.” 2005, No. 8, p. 132 (quoting F. Quigley, *Seizing the Disorienting Moment: Adult Learning Theory and the Teaching of Social Justice in Law School Clinics*, “Clinical L. Rev.” 1995, No. 2, p. 51).

¹¹ F. Ali, *Globalizing the U.S. Law School...*, pp. 252–253, n. 6 (“Some students may also look skeptically on international law and related subjects, and might avoid taking such courses because they are wary of appearing dilatory to potential employers. In other words, students might resist efforts at legal education reform until they are made fully aware of a connection between these reforms and their careers as legal professionals”).

leaders in legal academia should encourage students to not be afraid to conflate their professional lives with their personal values.

Our college and your college have worked together in the past on policy issues and we will be doing more in the future. The result is that we will provide better training, a more complete law school experience and better leaders for the future.

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Summary

The author first notes that lawyers have traditionally played an important role in creating public policy, not only by creating the law, but also because of their political leadership. The author describes their role as “architects of democracy”. Law schools around the world have risen to the challenge of educating future leaders who understand the world around them. The author explores examples of activities and initiatives to better prepare future leaders: *e.g.*, learning foreign law and international law, participating in foreign exchanges, as well as *pro bono* work, undertaking social initiatives. One major task of lawyers in modern society is the promotion of democracy and social leadership. The author claims that law schools need to prepare students for issues in contemporary democracies through practical, “experimental learning”. One useful example is an internship in a public institution. The author concludes that the cooperation between the University of Warsaw and the University of Florida Levin College of Law also provides an excellent example of educating future leaders through “experimental learning”, student exchanges and transnational law courses, so they can see the connection between their future careers and studies.

ROLA WYDZIAŁÓW PRAWA W PRZYGOTOWANIU LIDERÓW I PRAWNIKÓW W NOWYM ŚWIECIE

Streszczenie

Autor na wstępie zauważa, że prawnicy zawsze odgrywali istotną rolę państwowotwórczą nie tylko poprzez kreowanie porządku prawnego, ale także przywództwo polityczne, stając się „architektami demokracji” zarówno w Polsce, jak i w USA. Szkoły prawnicze na całym świecie podjęły wyzwanie, by kształcić przyszłych liderów, którzy rozumieją otaczający ich świat. Autor podaje przykłady zajęć i inicjatyw wspierających przyszłych liderów: nauka prawa obcego i prawa międzynarodowego, udział w wymianach zagranicznych,

a także działalność *pro publico bono*, podejmowanie inicjatyw społecznych. Zadaniem prawników we współczesnym społeczeństwie jest wspieranie demokracji i przewodzenie inicjatywom społecznym. Zdaniem autora, rolą uczelni jest należyte zapoznanie studentów z teraźniejszymi problemami przez praktyczne, eksperymentalne nauczanie. Przykładem tego jest odbywanie praktyk w instytucjach publicznych. Autor konkluduje też, że współpraca między Uniwersytetem Warszawskim a University of Florida Levin College of Law to doskonały przykład kształcenia przyszłych liderów poprzez praktyczne zajęcia, wymianę studencką i naukę prawa obcego.

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SŁOWA KLUCZOWE

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