

SPOTLIGHT ON TENNESSEE LAW SCHOOLS

Vanderbilt Dean Seeks to Modernize Legal Education

By Jay Campbell & Jake Kraemer

Legal education has remained relatively unchanged since the late 19th century – a Socratic education seeking to impart legal doctrine through a steady diet of appellate decisions. While most law school curriculum remains rooted in centuries-old tradition, the body of law attorneys must navigate has evolved from common law recorded in opinions to a complex system of interrelated sources – statutes, regulations, treaties and, yes, cases – many of which scarcely get mentioned, much less studied, during law school. If Vanderbilt University Law School's new dean has his way, however, the legal education at Vanderbilt will receive an extreme makeover.

Dean Edward L. Rubin came to Vanderbilt with the belief that the current curriculum at most major law schools could be enhanced to better serve the legal community. His vision is to transform legal education to reflect more accurately the modern practice of law. Having taught and practiced law, Rubin is ideally situated to bring this change to fruition. Prior to being named dean in July 2005, Rubin served on the faculty of University of Pennsylvania Law School and Boalt Hall School of Law at the University of California, Berkeley. He began his legal career as a clerk for Judge Jon O. Newman of the U.S. Second Circuit Court of Appeals and was an associate with the law firm of Paul, Weiss, Rifkind, Wharton & Garrison in New York, where he practiced entertainment law.

Dean Rubin identifies three main problems with modern legal education. First, he posits that the current education model is outdated. The modern legal education model was created in the 1870s for a legal world that did not have today's regulatory state, global interdependence or sheer volume of legal transactions. Rubin, a former transactional lawyer himself, notes that an almost exclusive emphasis on common law during law school does not make sense in a world where one-third of lawyers will rarely read a case in their daily practice. Rather than focusing on case law, Rubin would like to see a legal curriculum that emphasizes the litigation, transactional, regulatory and international aspects of the modern practice.

Second, citing medical school (where by the third year students actively are working in hospitals) and business school (where students engage in group study), Rubin argues that the passive education of law school is not in line with the active learning environments of other graduate programs. He believes that active learning opportunities must be incorporated into the curriculum.

Third, Rubin believes that law school should reflect the norms of current practice, rather than legal doctrine handed down by appellate courts. When the law school model was created there was no way to study social practice, and law was merely doctrine. Rubin notes this is why students study contract adjudication rather than contract formation. Believe it or not, many first year contracts courses do not give students the skills to read a contract, much less draft one. Rubin plans to utilize the tools of modern economics and sociology to design courses that better reflect modern practice.

Upon arriving at Vanderbilt, Dean Rubin immediately took steps to begin this curriculum evolution. Under his direction, Vanderbilt is approaching the first year of law school differently than the second and third years. In the first year, students are given a foundation to work from, while the second and third years provide opportunities for deeper study in particular areas of law. Collectively, the faculty is working together to revamp the first year education to incorporate the changes needed to modernize the curriculum. Dean Rubin's goal for the first year is to introduce law students to "law of the Twenty-First Century" and give them a "basic legal literacy." This introduction will include areas of law that schools often overlook in current first year curricula: the regulatory state, the increasingly global nature of law, and transactional law. Rubin says his goal is that "At the end of the first year, students should be able to read a case, a contract, a lease, a statute, a regulation [and/or] a treaty."

Dean Rubin also is seeking to change the way second and third years are structured. "The problem [with second and third year curriculum] is that there is no structure, it's just a bunch of courses," he says. To address this issue, the faculty has been organized into teams, tasked with designing relevant concentrations for upper-level courses. Students will be able to choose one of these curriculum tracks to focus on a particular area of law. Currently, Vanderbilt offers a business law concentration and hopes to add concentrations in litigation and dispute resolution, international law, constitutional law, regulatory law and public interest law. Rubin also envisions increased counseling at the end of the first year to aid students in choosing a concentration.

Dean Rubin is the first to admit that he cannot make these sweeping changes alone. He credits the present faculty with a passion for educating and embracing change and the Vanderbilt University administration, namely Chancellor Gordon Gee and Provost Nick Zeppos, with extraordinary encouragement.

There is a role for Tennessee lawyers in Dean Rubin's new curriculum. Rubin would like to see an increase in the number and variety of outside-the-classroom opportunities for students to engage in the active, experiential learning model. Rubin is seeking partnerships with judges, regulatory officials and lawyers in private practice who would be willing to provide such opportunities to law students. With the support of the faculty, student body, university administration and alumni, Dean Rubin is working to ensure that Vanderbilt Law School continues to create lawyers who are prepared for the challenges of modern legal practice.

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