OPINION ARTICLE

The Goals of Legal Education: A U.S. Practitioner's Perspective*

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Abstract. The techniques and content of legal education have not changed much over the years, but the law itself has changed a great deal. There is a clear need for law faculties to rethink their approach to teaching, including students who intend to embark on careers as legal practitioners, and others whose legal studies will take them in other directions. The core of legal training should, in the author's view, be advocacy: the ability to present a case on behalf of another to a neutral reader or listener in a way intended to inform or to persuade. Obviously, legal education requires mastery of material, but far more emphasis needs to be placed upon how that material came into being, how it relates to other cultural phenomena, and how it can be used going forward. It is, moreover, essential for law teachers to be aware of the demands of globalization: they must expand their horizons to include developments occurring outside their own countries and legal regimes. This article suggests several devices that might serve to broaden law faculty curricula, and to promote the elusive goal of "learning to think like a lawyer" in the contemporary world: a set of skills that should be valuable to all students as they embark on their careers.

Keywords: legal education; advocacy; curricular reform; "thinking like a lawyer."

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There is a vast divide between the legal academy and the world of legal practice, which often appears unbridgeable in either direction. The old adage that "those who can, do; those who can't, teach"[1] seems to have found a home in law schools around the world, regardless of geographic location or specific legal tradition.

Law faculties are not trade schools, nor are they meant to be. Yet a person must pass certain pedagogical milestones before being permitted to hold herself or himself out to the public as qualified to discharge the responsibilities of a legal professional. Graduating law students must have acquired three things: a body of knowledge of the law and its application; internalized patterns of thought (glibly if accurately summarized in U.S. law schools as learning "to think like a lawyer"); and a means of expressing both, using a specialized vocabulary and syntax. Whether they have done so is meant to be measured by the examinations that are the bane of their existence. Yet once those challenges have been met and overcome, new lawyers often find themselves living in an entirely unfamiliar world, for which their university experiences have not prepared them well, if at all.

The causes of the chasm between legal education and legal practice are many. Some are purely logistical: many law faculties are understaffed and underfunded, and they simply do not have the resources to invest in the kind of personalized, intensive pedagogy required to optimize the preparation of practitioners. In some legal systems, practical training takes place only after basic educational thresholds have been crossed, through a graduate degree, a specialized training facility, or a period of clerkship, articles, or internship. Occasionally, law professors view themselves as theoreticians, scholars whose ethereal universe has no room or time to consider actual clients or actual lawsuits: those rough-and-tumble things can be internalized after graduation. But more importantly, law faculties around the world are home to hordes of students who have not the slightest desire or intention ever to practice law: they are there to acquire a certain perspective, which they believe will grant them comparative advantage in business, or of government, or of consulting. To them, practice-focused education would be an unwanted distraction.

The diversity of consumers of legal education poses an unusual challenge to the academy. Most students pursuing degrees in medicine hope to become doctors, and so they and their teachers need not spend much effort exploring where academic study ends and "tradecraft" begins. Medical students virtually to a person want, and need, both. Architecture professors can ordinarily assume that the large majority of

[1] This *bon mot*, hardly beloved, for obvious reasons, of those in the teaching profession, is frequently attributed to H.L. Mencken but appears to have originated with George Bernard Shaw in his notes to *Man and Superman* (Cambridge University Press, 1903).

their charges want to design buildings after they leave school: they are not there to learn to "think like an architect."

The dilemma for law faculties, then, is this: how can a single classroom, or a single curriculum, prepare students whose career plans are so very different? And this practical question raises more fundamental ones: what exactly do we want a student to know, or to be able to do, on the day that she receives her degree in law, whatever might be her next steps?[2] What does "thinking like a lawyer" really mean, anyway? What is it that people with law degrees can do that people without them cannot?

There is a one-word answer to that last question, which should drive all legal education, regardless of the constitutional or cultural milieu in which it takes place. That word is **advocacy**. What law professors should be training their students to do – irrespective of whether they intend to be active members of the legal profession – is to be able to advocate, effectively, persuasively, and within the contours of existing law.

It might be objected that substantial numbers of lawyers are not advocates, and many successful ones have never seen the inside of a courtroom. Why, then, should they be required to internalize a set of skills that they will never use? But the question is based on a flawed assumption. Students trained in the law, if they have been paying attention and if their professors have taught them well, should be able to act as advocates, and should know how to do it, not only in courtrooms, but in boardrooms, in the office, and in correspondence. They should be able to make their case for themselves, or for those for or with whom they work, in whatever field of endeavor they enter.

Advocacy is something inherent in our daily lives, and most of us engage in it without thinking. We constantly try to persuade others to embrace our point of view, and in all likelihood we do so with at least some degree of success. So, when we were successful in getting someone else to do something important to us – a parent who allowed us to follow an educational goal; a friend who accepted an invitation to join us; a teacher whose approval we needed to take a next step in school – when we brought them around, how did we do it?

Probably, we did instinctively just what law schools should be teaching and refining. We appealed to logic and precedent. We explained the good things that would happen if we had our way, and the bad things that would follow if we didn't. We fended off objections, by presenting facts, and by appealing to rules and principles, that have already been accepted. No, it is not dangerous to go there. No, the opportunities will far outweigh the risks. No, you will not miss out on better options if you come with me. No, I am not being untrue to our shared values.

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[2] I use the female pronoun generically not out of political correctness, but in recognition of the fact that, around the world today, a significant majority of law students are, in fact, women. The American Bar Association reports that, in 2024, women enrolled in law school outnumber men by 5-4, "and the gap is growing every year." *See* ABA Profile of the Legal Profession 2024. https://www.americanbar.org/news/profile-legal-profession/

And, of course, advocacy has enormous potential social significance, for those motivated to employ it and trained to employ it well. An accomplished advocate can be the voice of someone who is otherwise without a voice. A trained advocate can be the most successful promoter of change, just as she may be the guardian of fundamental values when political forces turn against them.

That is, after all, what lawyers, and those trained in the law, are empowered to do. And it is that role of lawyers that make us feared by despots and tyrants. History demonstrates again and again that lawyers are the ones manning the barricades when democracy is under attack.

As usual, Shakespeare said it best. Everyone knows the famous line from Henry VI, Part Two, in which the character Jack Cade famously says: "The first thing we do, let's kill all the lawyers." That forms the basis of countless lawyer jokes, and it is pinned up on break-room bulletin boards in law firms around the world. But far from an insult, as is usually perceived, the context shows that Shakespeare was offering profound testimony to the promise that a legal education may offer.

In the play, Cade and his friend Dick Butcher were lazily musing about how they would overthrow the government: and, indeed, all of the existing social order. Here is Jack Cade's platform:

CADE

There shall be in England seven halfpenny loaves sold for a penny: the three-hooped pot shall have ten hoops, and I will make it a felony to drink small beer: all the realm shall be in common; and in Cheapside shall my palfrey go to grass: and when I am king, as king I will be, there shall be no money; all shall eat and drink on my score; and I will apparel them all in one livery, that they may agree like brothers and worship me their lord.

The English may not be entirely transparent to contemporary readers, but the thought most certainly should be. Were Cade and his friends to have their way, they would make decisions for the people, who would not only tolerate that, but welcome it. They, the rulers, would dictate what is sold and for how much, and what food, drink, and clothing would be permitted. Meanwhile, they would enjoy whatever privileges they seek (Cade's "palfrey" – pony – would nibble the grass of Cheapside, a public commons), and because of the favors they would dole out, they would be "worshipped" as the people's "lord."

But the ne'er-do-wells recognized that there would a problem in reaching those goals: there would be guardians at the gates who would not permit these things to happen. It is in response to Cade's pipedream that his accomplice Butcher chimes in,

BUTCHER

The first thing we do, let's kill all the lawyers.

With that, Cade is in ready agreement:

CADE

Nay, that I mean to do. Is not this a lamentable thing, that of the skin of an innocent lamb should be made parchment? That parchment, being scribbled o'er, should undo

a man? Some say the bee stings: but I say, 'tis the bee's wax; for I did but seal once to a thing, and I was never mine own man since.

Impressing a wax seal on a deed made an otherwise nonbinding commitment enforceable at law. In other words, Cade was lamenting that he had entered into a contract and was going to be held to it. And, to a thief, a despot, or a brigand, being required to keep promises is something to be avoided at all costs.

That is why Cade and Butcher wanted to "kill all the lawyers." Because it is the lawyers who would oppose their scheme. It is the lawyers who would stand and defend the conspirators' intended victims. It is the lawyers who would ensure that promises duly made be kept, that order for the common good be respected, and that neither Cade nor any other man in England would be worshipped as the people's lord.

That is how they knew that the success of anarchy, of dictatorship, would require the elimination of the lawyers. In every society in which human rights are openly violated in today's world, the lawyers must first be silenced, be coopted, be marginalized, and be systematically neutralized.

So that is the essential challenge for law teachers and their students: is to prove that Jack Cade was right. And that is why the fundamental assumptions of legal education around the world need to be revisited. Some steps might be taken to make legal education more relevant to the needs of all students without unduly freighting it with elements of interest to only a fraction of its audience. First, demonstrably unsatisfactory methods of presenting material in classrooms, used only because they are deeply embedded in tradition, need to be weeded out. It is common, for example, for law teachers to present their subjects as if they constituted an arbitrary, tedious, and boring barrier that students must overcome. There is simply no reason to embrace this approach, and certainly "it has always been done this way" is not an acceptable defense. That argument quite likely never worked; it will certainly not work in today's interconnected and high-tech world.

The law has never been a collection of dry maxims, or arbitrary rules to be memorized and then recited in examinations. The study of the law is the study of human society. It is about relationships, about how people and entities are required to treat one another if we are all to live together in some kind of generally acceptable harmony. Its concepts are deeply embedded in history, in philosophy, in religion, and in economics. And students of the law must be encouraged to envisage their academic pursuits against those backdrops.

Obviously, in the law and elsewhere, rote learning, memorization, and repetition have a role to play. It is important to know, for example, how long a defendant has to answer a civil complaint against him, or for how many hours a criminal suspect may be held by the authorities without formal charges. But acquiring that knowledge is facilitated if it is presented in context. How and why did these seemingly arbitrary rules come into effect? Who promoted their adoption, and to achieve what goals? Were they opposed at their inception, and if so by whom? How have they been applied, over the years? It is not difficult to embed, say, a course in civil procedure

in this kind of context. And when the subject more readily lends itself to a broader view – constitutional law, for example, or the rules of evidence – there is no excuse for dry and bloodless presentations.

Of course, the goal of law professors to teach how to "think like a lawyer" is often challenged by students who are all too well aware that those teaching them are not, in fact, lawyers, at least if by that term one means people who earn their living by advising clients, drafting legal documents, or appearing in court. Moreover, there is no clear connection between listening to hours and hours of lectures and acquiring and assimilating any particular habits of thought.

This article asks – and with diffidence proposes answers to – seven questions as starting points for analyzing whether there is a legal education model that can be anchored in the real world of people, businesses, and government. And no model makes sense if it fails to remain true to the philosophical and logical underpinnings of critical concepts that law students must learn and understand, also taking into account the practical constraints that law teachers are destined to face.[3]

My perspective as primarily a practitioner is different from that of men and women learned in the law whose career mission is passing on a set of skills or a compendium of knowledge. As both a professor and a practitioner, I have had opportunities to observe the legal systems of other countries, and I have been privileged to have studied comparative law extensively in law school and throughout my career. But I identify first as a lawyer in private practice, and as such I am not fluent in the specialized vocabulary of legal education as a subject of study in itself.

With those caveats well noted, these are the suggestions of a veteran advocate on the proper role of the academy and its ideal interactions with the world of legal practice:

1. What skills are required of law graduates, and how do professors help students to maximize their chances of acquiring those skills? It is easy to answer this question in the abstract by invoking broad categories of activity: "reading," "researching," "writing," "analyzing." Perhaps a more progressive answer would add "listening" or "bringing perspective to legal problems." But the core function of lawyering is advocacy. The trick is in translating this answer into an educational approach that is realistic.

[3] Many additional issues confronting legal education are outside the scope of this article. In the United States, for instance, we are currently experiencing a vast oversupply of law school graduates, for whom the economy offers no serious hope of fulfilling professional employment in their chosen field. Some analysts even suggest that law schools are deliberately creating the imbalance between supply and demand: having become a profit center for universities, law schools now have a mission entirely unmoored from the task of imparting a serious legal education, much less training lawyers of the next generation. That said, it would seem to be inappropriate for law schools to shut their doors to anyone eager to gain the unique perspective that such schools are – when they are at their best – well designed to impart.

An advocate is given the high responsibility of analyzing a legal document, or presenting a plea to a neutral magistrate, or negotiating a relationship, from the perspective of another who presumably lacks the formal training to do so. Much depends on the advocate's skill in carrying out that task: possibly someone's freedom, or the applicability of a government sanction, or the success of a venture, or the conditions under which people will interact with each other. For an advocate, it is both a heavy responsibility and a great privilege to have the well-being of others in one's hands.

It is impossible to conceive of a successful lawyer who is inadequate as an advocate. But it is all too possible to envisage a student who succeeds at internalizing legal knowledge but who cannot then use that knowledge to present the cause of another person. So the teaching of advocacy must be the center of legal education, including the training of those who intend to pursue careers in business, in government, or in teaching, rather than in the practice of law. Fortunately, a curricular focus on advocacy as a skill is actually quite simple to embrace. The history of the law – decided cases, legislative enactments, scholarly writings, negotiated solutions to problems – is itself a record of the outcomes of advocacy. Advocacy, in other words, is not only the substance of the practice of law as a profession, but also the theme that runs through the development of the legal systems under which we all live today.

Matters resolved by courts in the past are– and should be taught as – not static results, but the outcomes of dynamic processes. Students should be encouraged not merely to learn the rules that decided cases either articulate or apply, but also to understand how the courts were seized of those issues in the first place. What did the losing side have to say? After all, the position that opposed the ultimate outcome was initially defensible in theory and then defended in practice. What was that defense? What arguments were put forward? Why were they ultimately rejected as inconsistent with existing law? Could they have been strengthened and, if so, how? How would we argue the two sides of the dispute had we been handed the assignment? What can we infer about the policies and principles that underlie the legal system from a given example, or a set of examples?

Nor is this focus something applicable only in common law countries, with their emphasis on judicial precedent and their reliance on the doctrine of *stare decisis*. In the same way, the statutory enactments and the contents of legal codes in civil law regimes should be seen as the outcomes of competitions between differing interests. And this is true with respect to routine applications of the rules, as well as the "big" questions whose resolution is likely to resonate far and wide. Why is it that to be valid, a will requires a specific number of witnesses? What would happen were the law otherwise? Should blasphemy and other forms of hateful speech be treated as criminal offenses against the body politic, subjecting their perpetrators to punishment by civil authorities? How far may public dissent against government policies go in a state bound to adhere to international human rights instruments? What do our societal answers to these questions say about the balance between individual and collective rights?

Addressing these questions, and countless others like them, is as important to a legal education as knowing the limitations period for breach of contract lawsuits. Questions beginning with the word "why" should always be welcome in the classroom; indeed, they should be anticipated and addressed.

The contest of interests leading the legislative body to adopt a particular approach, or provoking a specific interpretation by the judiciary, may reflect political, philosophical, or even religious controversy, but discussions over how and why that is so should be embraced, rather than avoided, in the teaching of law. Such disputes are a critical part of the story of how the law came to be what it is. Realizing that is vital to an understanding of how the law is to be interpreted or applied, and how promotion of changes in the law should be grounded. Students should learn to understand, for example, that what is now statutory, "black-letter" law may well have been opposed – and even resisted – by members of society who thought it to be antithetical to other important concerns.

Such an approach, with very little or no need for investment of additional material resources, inculcates in students the notion that the goal of the study of law is ultimately the development and refinement of the skills of advocacy. And that, in turn, stands them in good stead as they begin to confront and analyze real legal problems presented by real clients in the real world. As an additional advantage, it enriches and in no way dilutes or diverts the studies of those not interested in the practice of law as a career.

2. What are the responsibilities of the legal academy to students who wish to practice law as a career? It is hard to walk the fine line between overdoing practical training and ignoring it. But there are areas to explore here. Students who intend to become legal practitioners generally enroll in more specific courses that will provide them with more practical exposure, while those with interests in other areas tend to select classes that may stray far from the core curriculum. There is no doubt, however, that the quality of the entering cohort of practitioners will be improved if their training in specialized practical skills and concepts is not entirely deferred until after they receive their degrees.

Practitioners responsible for recruiting and hiring young lawyers often debate whether to favor students whose coursework in law school has exposed them to the specialized areas that they may need to address in practice. Certainly a graduating student unfamiliar with even the basic vocabulary of a particular area of practice – say, international trade, or domestic relations – will have a difficult time finding her feet in a law firm whose business depends on that specialty. But is it helpful for that student to have concentrated in electives with a limited focus? Would such courses, while deepening her exposure to specialized learning, be likely to leave the student underprepared to address questions that are not so neatly circumscribed?

With very few exceptions–certainly patent law, possibly taxation–specialty is something that best takes place in professional environments, not in school. The

better view certainly seems to be a truism: to be a good international (or criminal, or environmental, or family, or fill-in-the-blank) lawyer, the first thing you have to be is a good lawyer. Specialized classes can be analogized to language learning: it is sufficient, in the beginning, to teach basic vocabulary, the rules of grammar, and elementary conversation. Fluency comes only from speaking and listening as well as reading, which are not restricted to the classroom. Certainly, a student who has read and understood the plays of Jean Racine will get good grades in French, but he may still be entirely lost in efforts to navigate the Paris Metro.

Encouraging thinking about the law as simultaneously a humanities discipline and a social science is critical to imparting an understanding of what lawyers do. Nor does this in any way imply contradiction or paradox. Sometimes the classes and coursework that seem most removed from the day-to-day life of practice – courses in jurisprudence or legal philosophy, for example – play the most vital roles in encouraging development of the skills and perspective most important to successful work as a legal professional. Teachers of such fields have a special responsibility not to treat their subjects as of academic interest only, and they should seek examples and illustrations from the real world in which lawyers interact with clients and with the instruments and institutions of the legal regime itself.

The responsibility of the academy to the profession, therefore, is not to ensure that students entering specific areas have studied those areas to the depth at which experienced practitioners are comfortable. Training programs, law firms, and government agencies can better play the role of tailoring specific skill sets to their particular needs. The educational institution's job is to increase the level of basic proficiencies: reading, writing, listening, speaking, or in this case advocacy, the stock in trade of legal practice and the currency of legal education properly conceived.

3. What level of facility in oral and written advocacy should be expected of students awarded university degrees in law and intending to practice, and how is such facility to be achieved? There is likely to be universal agreement that, as a matter of preference in an ideal world, the answer is "as much as possible." But in the reality in which legal educators have to operate, there are economic and logistical constraints on how much can be taught and what resources would have to be invested in a sensible program to achieve this goal.

Although encouraging a focus on advocacy is to be urged above all, time should not be wasted asking students to opine on whether a particular legal doctrine or the outcome of a legislative campaign or even an executive decree is "right" or desirable. The professor's objectives should be to challenge prejudgments, to make students recognize their assumptions even when they are unspoken, and to insist that positions taken in discussion or analysis be well defended. Students should explore the likely consequences of the law and how those consequences would have been different had the dispute ended differently. They should be asked to think about whether one or the other or both possible outcomes of a case can be

reconciled with higher legal principles, such as those enshrined in our national constitution, or in international law.

The proper emphasis is on what legal premises underlie the outcome and what would have underlain the opposite had it prevailed. The legal system rests on identifying and understanding the core values and principles of the law. Only lawyers who are consistently able to understand those core principles will be able to represent their clients in more than mechanical settings, and only law students familiar with such an approach have any business calling themselves laureates in legal studies.

The ability to communicate effectively in the legal language of the jurisdiction in which a student studies the law is absolutely vital to her accomplishment as a practitioner. There can be no compromise here, because a lawyer must use words and use them well to have any prospect of success in the legal profession. Words are the tools of our trade as advocates, and a lawyer must be able to understand and employ words in an intelligent and persuasive manner. If there is one metric that most directly reflects the achievements of practicing lawyers in the field, it is their fluency in the language that they must deploy for their professional communications.

There is no reason to believe that advocacy cannot be taught, even if in reality some people seem far more predisposed to internalize its rules than others. And, of course, the only way to learn to advocate is to do it and do it and do it again. Even if individualized faculty guidance is not possible, students are generally willing to help each other to achieve a level of accomplishment in the requisite skill categories. Every opportunity to create a vehicle for advocacy should be seized until effective advocacy is a habit.

Again, this emphasis does not require abandoning the teaching of constitutional law in favor of encouraging students to debate their views on political philosophy. Such a transition would be sterile at best and certainly would do nothing to promote familiarity with basic legal concepts. It does, however, require that legal principles be seen in their context as the result of, and as subject to, contests between competing claims to authenticity and correctness.

Some tremendously valuable tools for the honing of these skills are moot courts, mock trials, and clinical programs, all of which ask students to put themselves in the shoes of practitioners addressing practical problems that might be encountered in the real world. Nor should such programs be restricted to those intending careers as lawyers. On the contrary, if acquiring the skills and techniques of successful advocacy is seen as central to the study of law, then all who receive a law degree should have had significant exposure to that nucleus. Presumably no student would earn a medical degree without doing basic dissections, with no exception for those who plan on careers in psychiatry (or in health care policy!). The heart of the curriculum and the measure of its success should be designed to embrace this perspective.

The Philip C. Jessup International Law Moot Court Competition, which is sponsored and administered by the International Law Students Association, is a particularly effective vehicle for the promotion of advocacy training in the field of international law.[4] The Jessup,[5] as it is universally known, is the largest moot court program in the world, with over 800 law schools in more than 100 countries participating in 2025. Founded in 1959 at Harvard Law School, it requires students to submit written memorials and to present oral argument on both sides of a fictitious case between two fictitious countries before the International Court of Justice in The Hague. The final round of the Competition ordinarily takes place before a bench of world-renowned international lawyers in Washington, D.C., each April. It is commonplace for former Jessup participants to report that the experience changed their lives. Enrollment in the Jessup is easily arranged, and its sponsoring organization is ready to help new participants become familiar with the basic rules and procedures.

Incidentally, not only does the Jessup provide invaluable experience in written and oral advocacy as well as in substantive law, but it also introduces law students to their counterparts and future colleagues from around the world. Other programs have begun to adopt the Jessup model, and there are now international competitions in fields such as criminal law (including a moot styled on the International Criminal Court), environmental protection, and even commercial negotiation. All of these programs are accessible, and all provide wonderful educational opportunities.

4. How much knowledge of nonlegal fields – economics, history, sociology, psychology – should be expected of young law students by the time they receive their degrees? The old cliché is that "good lawyers know the law; great lawyers know the judge." Perhaps this platitude was true once, and perhaps it is still true in dysfunctional systems. But the better view today is that "good lawyers know the law; great lawyers know the context within which the law operates."

Law students and lawyers obviously must familiarize themselves with bodies of knowledge not contained in legal textbooks. They must have a grounding in economics as well as in history and government. That does not mean that they need to qualify for degrees in these fields, but they must be conversant in them, because without some level of comfort in discussing, say, basic economic concepts, a lawyer, or a legally-trained adviser, will be of no use to a client about to enter a sophisticated international business arrangement.

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[4] Full disclosure: I was founding Chairman of the Board of Directors of the International Law Students Association, and I currently serve as its Chair again. And I have been involved in the Jessup Competition for more than four decades. Materials about the current year's Jessup, as well as earlier competitions and lots of practical information, can be found at http://www.ilsa.org/jessup.

[5] Philip C. Jessup was a revered American scholar and practitioner of international law who served as judge on the International Court of Justice from 1961 to 1970.

5. How should law faculties reform themselves to address contemporary changes in the world of legal education and practice? Two recent developments are of special (and interrelated) significance to law teaching: globalization, and the increasing reach and importance of technology. If there is an innate, often understandable resistance to change among legal educators, these are the areas in which it is most likely to be seen. Yet these are also the places where willingness to change and adapt will be the most accurate predictor of competitiveness.

Globalization virtually demands that the English language be part of a law student's education everywhere in the world, as well as a comparative approach to the law that will give the student a basic familiarity with differences and similarities among legal systems. International law is no longer a specialty but rather something with which every law student must have some measure of acquaintance. This means that a degree of international "literacy" is essential. Law graduates must feel at home in international legal research, analysis, and real-life applications. If law faculties want to provide adequate training for the practitioners of the future, they will need to immerse themselves in all of those.

The importance of these developments is difficult to overstate. Rare indeed is the practitioner who can operate as a lawyer anywhere in the world without encountering issues that require consideration of foreign, comparative, or international law. Intellectual property, the environment, taxation, and even family law can no longer confidently be addressed within the comfortable borders of one's own country. And the pace of change continues to accelerate. Consider these facts:

• Sixty years ago, the ways in which a country treated its own citizens were thought – with only a very few exceptions – not to be of international legal concern. That has changed.[6]

• Sixty years ago, how the nations of the world traded with each other was subject to little international legal scrutiny. That has also changed.[7]

• Sixty years ago, how nations used and abused their air and water, how they set up means of communication and transportation, how they protected their intellectual property and developed their natural resources: none of these were subjects of an international legal regime.[8] That too has changed.

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[6] Such instruments as the International Covenant on Civil and Political Rights, concluded and opened for signature in 1966, demonstrate the "internationalization" of human rights principles as law, to be interpreted and applied like any other rules of law. As one United States federal judge put it, human rights law has been utterly transformed by such developments, and is no longer, if it ever was, "a mere set of benevolent yearnings, never to be given effect." *Filártiga v. Peña-Irala*, 577 F. Supp. 860, 863 (E.D.N.Y. 1984).

[7] Treaties like the General Agreement on Tariffs and Trade (1947) and its progeny under the World Trade Organization have imposed an increasingly normative regime on international commerce, complete with methods (even if far from perfect methods) of enforcement.

[8] Preserving and protecting our natural environment has increasingly been the subject of international conventions and regimes, including such comprehensive agreements as the ones reached in Paris and Kyoto. It seems quite obvious that threats to our planet from climate change, pollution, and overpopulation cannot be addressed satisfactorily by any one nation or group of nations acting alone.

The next generation of lawyers will continue to manage changes in all of those areas and in others that we cannot now even imagine. That is an enormous challenge not only to law students and practitioners, but also, importantly, to law teachers, if they and their work are to remain relevant.

As for technology, it is beyond doubt that computers and the Internet have completely revolutionized even the most quotidian of legal tasks, such as research and communication with colleagues and tribunals, both of which are increasingly carried out not in libraries or in meeting rooms but in front of computer monitors and keyboards. Artificial intelligence is causing us with accelerating urgency to subject our craft to radical self-examination. A successful legal practitioner in the 21st century simply cannot be technology-illiterate.

Yet the fact cannot be ignored that when the generation now teaching tomorrow's lawyers were acquiring their own education, they never needed technological fluency. And for many, it is hard to adapt. The problem for educators is exacerbated when students have been developing their expertise in the use of computers beginning at an ever-younger age. Law teachers simply must be sufficiently versed in contemporary methods to be able to use them and to teach them with confidence.

6. Do law schools, deliberately or inadvertently, create biases either for or against students intending careers in legal practice? Within the four walls of the academy, as between the thinkers about the law and those who intend to get their hands dirty practicing it, the former are all too often favored over the latter. This bias can be seen in classrooms and in faculty lounges, and it is reinforced when those who set rules for the academic institution themselves have no understanding of or personal experience in the world of practice. So without reversing the bias with equally unfortunate results, the task here is to restore the level playing field. There is no right or wrong way to impart or to absorb legal training, although the law faculty might appropriately feel more responsibility toward those intending to use what they have learned.

The notion that law schools should avoid teaching anything practical because the academic discipline of the law is corrupted when exposed to sunlight is simply wrong. It is a fallacy to suggest that courses such as civil and criminal procedure, evidence, or trial practice are focused on the "craft" rather than the study of jurisprudence and, therefore, have no legitimate place in the academy. Indeed, in the U.S. at least, many graduates think back on their training in the law of evidence as among the most intellectually rigorous experiences of their educations.

While the undervaluing of areas of maximum direct practical applicability may reflect nothing more than the biases of teachers who themselves have never traveled in the world of legal practice, it does have insidious effects on students. It passes along a value system that disrespects the use of the law for the purposes for which it was intended. It makes the law as a field of study something akin to

pure mathematics: beautiful and fascinating to those few who understand it, but perplexing, opaque, hopelessly recondite, and above all, useless, to all others.

Engaging students in exercises of advocacy helps to reduce this tendency. So, too, does encouraging them – no matter whether they intend to practice law as a career – to experience for themselves what practicing lawyers really do. Summer internships, clinical programs, mentorships, adjunct faculty – all are ways of broadening students' understanding of how the law works in the real world. All offer them another perspective – a vital one – on the law alongside the one portraying it as an academic discipline, as well as on its integral role in making it possible for its subjects to live in something resembling an ordered society. Even those students who have no desire to engage with the law for a living should, by the time they receive their degrees, have a sense of how their brothers and sisters who become lawyers spend their lives.

7. To the extent that law schools do help their students to prepare for practice, are they making those opportunities available to everyone, including underrepresented populations? Like all merit-based professions, the law can act as an equalizer: a door of opportunity through which all who can master the materials are welcome to enter. Saying this, of course, is easy; living by it is hard. Yet instilling young lawyers with an understanding of the extent to which existing legal systems have helped to entrench existing inequalities would aid in the promotion of this critical objective.

In most cultures, the profession of legal practice brings significant rewards in terms of compensation, prestige, and role in society. Those engaged in the profession may jealously guard their fiefdom against intruders, especially those from disfavored backgrounds and groups.

Although law teachers can hardly be expected to take on the task of ending prejudices and establishing utopian equality of opportunity, they certainly can play their part in promoting the practice of law as a vehicle for positive social change. They can do so by ensuring that, to the extent that they are offering or facilitating opportunities to experience the world of practice, they are careful to make those opportunities available to all. They must chase away their own prejudices, including those, for example, regarding the "proper" role of women in the profession or in the world. They must encourage all of their students to reach their potential to the best of their ability, unrestrained by limitations based on ethnicity, sex, religion, sexual orientation, or physical condition.

The adjustments being proposed here have more to do with changing attitudes than with reallocating resources. But there can be no doubt that in the world of the 21st century – a world in which business, the environment, labor, investments, culture, and technology recognize no national boundaries – lawyers are going to have to be trained according to models different from those that have served for

centuries. The test of legal education, therefore, will be how well the law faculty of tomorrow is preparing those who will practice law in a world very different from the one in which they themselves were raised. That reform will require law professors to do some hard thinking about the nature of the law itself, and the role that they play in preparing their students for careers as trained advocates, and as the women and men defending stability, democracy, and human rights against unprecedented challenges.

Law students must be trained, in other words, to the best of their ability, to be the kind of lawyers that Jack Cade and Dick the Butcher knew that they would have to kill.

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