

***At CUNY Law, a Bit More Gavel;
Experimental Program Bears Down to Lift Bar Scores***

The New York Times

December 11, 2000, Monday, Late Edition - Final

Copyright 2000 The New York Times Company

Distribution: Metropolitan Desk

Section: Section B; ; Section B; Page 1; Column 2; Metropolitan Desk ; Column 2;

Length: 1604 words

Byline: By KAREN W. ARENSON

By KAREN W. ARENSON

Body

When the City University of New York School of Law was created in a wave of idealism 17 years ago, it was considered a remarkably ambitious experiment in legal education.

Nearly everything about it was novel, from its focus on training public-interest lawyers to a curriculum centered on how to practice law rather than on legal theory, to its eagerness to take in large numbers of minority students, even those with low law school admissions test scores. It also adopted policies of no grades and few exams.

Despite this grand vision -- and support stretching from the Legislature in Albany to the Supreme Court in Washington -- one big problem became apparent: many of its graduates had trouble passing the bar exam. In 1987, for example, nearly three out of four graduates from its second class failed the exam on their first try, and even as its first-time passing rate climbed in later years, CUNY remained at or near the bottom of New York law school rankings.

This year, for the first time, CUNY Law has leapt off the bottom. The school says that the newly released scores for the July bar examination show that its passing rate jumped to 74 percent, a rate that would place it above Syracuse, Pace and New York Law School, among others, and within a point of Brooklyn, Albany and Cardozo. (It is still well below Columbia, Cornell and New York University, which are all above 90 percent.)

The higher rate is the result of years of tinkering with the school's unusual approach to legal education, and CUNY Law officials say it indicates that they have finally found the right balance between innovation and tradition.

"There is always fine-tuning to do, but I don't see any more major steps to be taken," said Kristin Booth Glen, a former New York Supreme Court judge who has been the law school's dean since 1995.

Some changes made by CUNY Law seem like obvious fixes. The school has adopted grades. It now dismisses students who perform poorly. It has added more traditional first-year courses in subjects like contracts and torts. And it has lowered its cap on the number of students it admits with low scores on the law school admissions test, the LSAT.

But the transformation stirred passionate debate at the school between those fearful of losing the school's distinctive character and those concerned about addressing criticism from American Bar Association accreditors and others who said that the curriculum was not rigorous enough and that the bar-passing rate was too low.

School officials and many professors say the school has remained true to its core missions: to produce students interested in public service and to bring more minority students into law.

"You can start with a high ideal and compromise it all the way down the line and end up as a run-of-the-mill law school, but that's what didn't happen," said Dave Fields, an associate dean. "We didn't abandon the population. We didn't abandon the mission. And we've improved the outcome."

But others, like Dinesh Khosla, one of the school's original dozen or so faculty members, are less sanguine. In Mr. Khosla's view, in the school's early years, professors gave students more individual attention, incorporated more of the students' experiences into the instruction, and were able to accommodate students' different paces of learning.

"Passing the bar is necessary," he said. "But if law school preparation is focused on passing the bar, then we lose something."

Not everyone was convinced that the low first-time passing rate was such a problem. Many at the school said that the exam was not a good measure of anyone's ability to be an effective lawyer -- and that first-time passing rates were less important than whether students passed the exam at some point.

"We didn't think that the bar exam is an appropriate hurdle, because it excludes people who should be lawyers and includes people who should not be lawyers," said Mary Lu Bilek, CUNY Law's associate dean for academic affairs. "But it's there nonetheless."

An American Bar Association evaluation team that assessed the school in 1995 felt more strongly. In a sharply critical report, it said the school had failed to deal with its most difficult problems, including admissions, student achievement, grading, academic standards, bar passage and placement.

The school scrambled to make changes even as it tried to preserve its focus on public service, diversity and hands-on learning. Two years later, an accreditation committee acknowledged its "substantial progress" and reaffirmed its approval by the Bar Association.

As first-semester classes drew to a close recently at CUNY Law's home in a converted junior high school on Main Street in Flushing, Queens, the school's commitment to public-interest law, its practice-oriented instruction and its diverse population were all quite visible.

CUNY students dive into the intricacies of practice in their first year, studying the techniques of lawyering -- including speaking, writing and interviewing -- and then practicing on one another.

In one class in late November, Belinda Sifford divided students into teams to draw up prenuptial contracts. In each group, one student acted as the bride-to-be, one as the prospective groom, and the others as their lawyers. As the students spiritedly entered into their roles as a rich businesswoman and the poor music professor who wanted to marry her, some negotiations turned heated.

"You have to understand that I've worked hard for my assets," the businesswoman in one group said when her fiance asked for a \$4,000 monthly allowance during the marriage and for one of her houses -- maybe the ski lodge -- if they divorced.

"What would you need a ski lodge for?" she added dismissively.

He retreated slightly. "Maybe a different house," he suggested.

The woman's lawyer jumped in. "In case things don't work out, he has no place to go back to," she said to the bride-to-be.

Still unyielding, the businesswoman turned to her cowering fiance. "Are you marrying me for my property?" she demanded.

Later, the class roared with laughter as it watched a videotape of the negotiations and listened to Ms. Sifford critique their bargaining and the agreements they had drawn up.

"All of the agreements are legal, but they're all very different," she told them. "There are some people who are very reserved about their money and there are some people who just want to give it away."

By their third year, the students are finished practicing on one another and are ready to work in clinics with clients who cannot afford more expensive lawyers.

Many law schools run clinics. But typically, they are optional and cannot accommodate all interested students. CUNY, by contrast, requires a clinical class in which students study a specialized field of law and also work with clients under close faculty supervision. Choices include the rights of battered women, criminal defense, civil rights and mediation.

In a cozy seminar room with a quilt on one wall, 11 students in a CUNY law clinic focusing on issues affecting the elderly recently listened in respectful silence as Katherine Chen, a classmate, described her research on Alzheimer's disease and her visits to a center for patients and their families.

Besides working with clients, students had to take on research and service projects to give them more perspective. For Ms. Chen, a 31-year-old Cornell graduate who speaks six languages, that perspective included a greater understanding of the problems faced by families of Alzheimer's patients, from legal issues to physical assaults.

As the students reported on their projects, Robert Seibel, one of the professors who run the clinic, talked about the realities of working as community lawyers. "Being involved in the

community like this starts your relationship off on a different level," he said, "but it probably means you can handle fewer clients."

A common commitment to public service creates a camaraderie among CUNY Law's approximately 450 students, roughly 60 percent of whom are women. Forty percent come from racial or ethnic minority groups, and travel from as far away as Ecuador and Ukraine.

Like Barry Klopfer, 27, a first-year student who fought against the death penalty in Texas before coming to CUNY, most students were drawn to the school by its public-interest focus. "A lot of students have Cravath, Swaine & Moore in their hearts, but that did not interest me," Mr. Klopfer said, referring to one of Manhattan's white-shoe firms.

Although CUNY Law's campus, adjacent to Queens College, is an hour or more from Midtown Manhattan by public transportation, students say they are attracted by its low tuition (\$5,700 for New York State residents and \$8,930 for nonresidents) and a teaching style that is gentler than that at most law schools. "They don't rip you to shreds first and then put you back together," said Sarah Lazare, a first-year student with a master's degree in education. This year, the school had 1,210 applicants for about 150 places.

Although other law schools have increased their clinical offerings, and fellowships for public-interest lawyers are on the rise, outsiders who follow CUNY Law say it continues to play an important role in legal education.

"They have maintained their commitment to public-interest law in a way no other institution can really match," said Deborah L. Rhode, a Stanford University law professor and former president of the Association of American Law Schools.

As a result, she said, while many young lawyers complain about their "lack of connection to the social good," many CUNY graduates "end up maintaining in practice the commitments that led them to law."

<http://www.nytimes.com>

Graphic

Photos: Dean Kristin Booth Glen said the major changes had already been made, but there would always be fine-tuning.; A class in legal issues affecting the elderly reflects the diversity that is one hallmark of CUNY Law. The school has tinkered with its programs to raise its students' bar exam scores. (Above and below right, Nancy Siesel/The New York Times; Michelle V. Agins/The New York Times)

Charts: "Passing the Bar"

Percentage of City University of New York law students who passed the New York State Bar exam on the first try.

Graph tracks students since 1986.

(Sources: CUNY School of Law)(pg. B5)

"FOR THE RECORD: Making the Grade Across the State"

Percentage of students at New York State law schools who passed the July 2000 state bar exam on the first try.

Cornell: 94%

N.Y.U.: 94%

Columbia: 92%

Fordham: 85%

St. John's: 78%

Albany Law: 75%

Yeshiva University: 75%

Brooklyn Law: 74%

CUNY: 74

Univ. at Buffalo: 73

New York Law: 72%

Touro College: 69%

Pace: 67%

Syracuse: 58%

Hofstra University data for 2000 not available. Pass percentage for 1999 was 74%.

(Sources: The law schools)(pg. B5)

Load-Date: December 11, 2000