

## *Many unanswered questions at the CUNY Law School*

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**Byline:** BY HERBERT LONDON; Mr. London, dean of New York University's Gallatin Division, may seek the Republican Party's nomination for Mayor

### **Body**

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It is something of a bromide to suggest the road to hell is paved with good intentions. In higher education it is probably more accurate that ideas responsive to the *Zeitgeist* don't usually have their intended outcomes.

Five years ago, the trustees of the City University of New York founded a law school to accept racial minorities whose grades and Law School Aptitude Test scores wouldn't normally warrant their enrollment at a law school. Moreover, it was argued that these "experimental" law school graduates would be trained primarily for public service law.

The assumptions behind the program were: Most lawyers aren't trained for, nor are they particularly interested in, the legal issues confronting those in the inner city; and several distinguished legal scholars asserted that traditional standards for admission and conventional legal training don't necessarily assure appropriate service to those who lack significant financial resources. On the face of it, these assumptions seem plausible.

The rub, however, is that a parallel legal institution, however experimental and well meaning, will be judged by standards applicable to other law schools. And graduates will, justifiably or not, be judged by the standards that apply to other lawyers.

At CUNY's law school, a cheating scandal resulted in the suspension of several second-year students. An equally well-publicized decision by faculty and students to play the "Internationale" during graduation exercises made it clear to trustees that a radical agenda beyond mere activism may have insinuated itself into the school's orientation.

In early September two faculty members were dismissed for what was presumed to be their lack of competence. *The New York Times* indicated that the innovative curriculum has a distinctly activist orientation, which militates against passing the bar examination. The limited success of graduates in passing the bar would seem to bear this claim out. Only 43% of the graduates passed the exam in July 1986, and only 25% passed in July 1987 -- the lowest percentage among law schools in New York.

Moreover, an internal report on the curriculum cited a widespread failure to measure mastery of cases or to dismiss students for poor academic performance. Given the prior academic record of many students, this failure, as described, was "quite astonishing." The report also noted that fewer hours of basic legal subjects were required than in other law schools. Of course, this is true by design.

Whether this is wise depends on whether the efficacy of such a law school can be determined.

Is it true that traditional law schools don't graduate enough lawyers interested in addressing public service concerns? Is it reasonable, to expect that students with marginal educational backgrounds can meet the requisites of law school training, that which purports to prepare people exclusively for public service law?

Is it not true that the poor, the underclass -- the very people who are the target population of this law school experiment -- deserve legal counsel as proficient as is normally obtained by citizens with financial resources? Should the taxpayers of New York be obliged to fund a program whose radical ethos would seem to be at odds with even a modicum of national allegiance? Should a law school conferring bona fide degrees be subject to a standard lower than that applicable to other schools?

Whatever one thinks about these issues, the City University Law School has raised many unanswered questions. After five years, the taxpayers of New York deserve a justification for this experiment. At the moment, that has not yet been issued.

## Graphic

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Picture, no caption

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