

Volume 3 | Issue 2

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Summer 2000

## Creating a New Law School

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### Recommended Citation

Charles R. Halpern, *Creating a New Law School*, 3 N.Y. City L. Rev. 233 (2000).  
Available at: 10.31641/clr030207

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## CREATING A NEW LAW SCHOOL

Speech delivered at the Inauguration Ceremony of  
the City University of New York School of Law

October 21, 1983

*Charles R. Halpern\**

It falls to me to write the more recent history of the Law School. While this is the formal opening of our school, we are also celebrating the first-month anniversary of the beginning of our classes. For eighteen months we have been writing brochures about a law school that was to be about our ambitious plans, about a novel curriculum that we would put in place at a time in the future. We are now out of the future tense and into the present tense; and it has, from time to time, been tense indeed.

I had eighteen months to learn how to become a dean. It is not a skill I was born with; I think most deans probably aren't. You have to learn how to dress and talk and act like a dean. The large number of vacant law school deanships in the United States is a testament to how difficult the task can be. I see my friend Al Rosenthal, the Dean at Columbia who leaves office shortly, smiling broadly.

We now have a month's experience, and it has been exciting and encouraging. We succeeded in attracting a faculty which has brought with them diverse backgrounds and experience. They all have a commitment to teaching. Not all law teachers are in the business because they are enthusiastic about teaching, but happily the faculty that we have assembled is. They are people who have practiced law in public interest settings and people who have taught law in the past.

Our student body of 140 students brings a wide diversity of past experiences and a common commitment to a professional education and a professional future devoted to public interest and public service law. Our students are somewhat older on the average than most law school students, and they bring to the Law School the richness of their own past experiences and their own backgrounds. We have among our students labor union officials, zoning board members, community organizers, nurses, social work-

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\* Mr. Halpern served as Dean of City University of New York School of Law from the school's inception until 1987.

ers, politicians—it is a wonderful and exciting group. I think back on my own law school career in which our class had one or two older people—who were 24 or 25—and I realize how much richer the experience of these students will be.

The faculty and administration has developed a plan for the Law School and has laid out a curriculum. We emphasize lawyering skills—not simply the analytic skill which is a necessary part of every legal education—but also skills that relate to what lawyers actually do, skills at interviewing clients, negotiating, mediating, and helping people plan their lives so that they can avoid conflict and confrontation. We have brought values and ethics to the core of the curriculum. We have designed a placement process which helps each student clarify his or her reasons for being a lawyer and helps the student to plan a program in Law School which will advance toward his or her career goals. We have emphasized non-adversary approaches to problem solving, so that our alumni will graduate with some sense that the lawyer's life need not revolve around efforts to sharpen conflict and resolve it in a courtroom before a judge. We have tried to provide a curriculum which is rich enough in historical, economic, and sociological understanding so that our students will see the ways that law fits into the larger society and the ways that the law can address social injustice.

We are a functioning institution, and the first month's experience has been encouraging. We have had some hard times and we will have hard times ahead. We will adapt and shift our approach to law and to law-teaching in a way which accommodates our goals. There is a strong sense of cooperation and collective effort among the faculty, among the students, and among the support staff. We must, of course, answer the same questions that all law schools answer today. We must teach our students to write well, a concern we hear much of from the practicing bar. We must assist our students in getting jobs. Our students must be able to pass the bar. We are prepared to meet those challenges.

We have established that our Law School is going to approach the task of legal education and training for the profession in a different way. The features in our program which have been discussed today have received wide acceptance in the legal profession. Our approach is one that has something significant to contribute to legal education, to the world of law practice, and to this city and state.

Nonetheless, many people believe that there is too much law, that the processes of the courts are too slow and expensive, that the

profession is too cynical, that lawyers too often push people into excessively adversarial postures. Legal education has come to receive much of the blame for shortcomings in the legal system. I do not believe that it deserves as much blame as it has received. The *Washington Post* this month ran a feature article called, "The Way We Train Lawyers Is A Crime Against Society." This strikes me as headline writer's license. On the other hand, it is gratifying to us to have many of the people who have been criticizing legal education from within the world of law, such as Chief Justice Warren Burger, wish us well. The support and encouragement of the Chief Justice and others makes it easier for us to move forward with this program.

It is still a difficult task.

We are not a profession that accepts change readily or welcomes it. And these are cynical times. Idealism has rather a bad name at this point in the nation's history. This is perceived as a time for cutting back institutions, for scaling down expectations—particularly for programs that are concerned with the poor and the disadvantaged. The political leadership of the country feels that there are other higher priorities.

Our task, in this national environment, is difficult. The support that we received within the city and state and within the City University system has permitted us to move forward. Still there are moments in which we ask, "Is it possible? Is it worth it?"

When I was in the middle of these recurring periods of self-doubt and hopelessness, I came upon the words of another lawyer who was enmeshed in a complicated, innovative public project. He wrote in his journal the following words:

"Something in our political process . . . works at cross-purposes with the dictates of reasonableness and common sense. But then this has been true for so long that it seems hardly worth the effort to attempt to change it.

'Hardly worth the effort . . . ' What grim words. I'm sorry I said them. I must be tired. They're bad words—weak, self-pitying, surrender words. It is worth the effort; there is no choice but to make the effort. That's what it's all about—it's climbing mountains without ever reaching the top, hoping, that despite all the slips and slides, that in the long run you are getting closer. And knowing, at least, that you're trying to get closer. It's the trying that counts. And the dull pain of frustration, the quick brief remorse over reversals, that's part of it."

The words were written in his *Forest Hills Diary* by Governor

Mario Cuomo. He has been a long-time friend and supporter of this law school, a distinguished practitioner not only of law but of law teaching. Mario Cuomo has been an inspiration to all of us at the Law School. In his career, he has combined superb lawyering skills, a strong sense of public purpose, a willingness to seek out the reasonable solution, and a courageous commitment to principle. He has been willing to try to climb mountains, accepting frustration and reversals. He is an example to all of us who try to do something new that will help to build a more just and humane society.