

TEACHER, SCHOLAR, DEAN, FRIEND

Lisa G. Lerman*

I write to honor Larry Hellman, to take an opportunity to reflect on his career as a law professor and as a law school dean. Larry and I have been friends since about 1991, but as I read through his 26-page CV, I noted how many amazing things he has done that I knew nothing about. I knew he had been the law dean at Oklahoma City University for a long time, but I did not know it was thirteen years; most law deans burn out after three years. I knew that he is professionally active, but I had no clue about the range of his activities. I did not know that he has been a member of the American Law Institute for over 20 years and is currently consulting on the Restatement of the Law of American Indians. One of the things that so impressed me was that Larry wrote a 1200- word monthly column called “Ethical Considerations” for the Oklahoma County Bar Association newspaper for a whopping 27 years! Maybe this is a short commitment compared to his 48-year marriage but maintaining a monthly column for so many years requires real commitment and stamina. It’s not the sort of writing that earns academic accolades, it’s the kind of thing a person does who has a genuine and lifelong commitment to ethics and professionalism. For this essay, I would like to share some personal recollections and some observations about this man.

The first time I remember encountering Larry Hellman it was through an article that he published in 1991 in the newly founded Georgetown Journal of Legal Ethics. I was teaching law at Catholic University: contracts, professional responsibility, and some seminars for students doing externships. The pedagogy of externship teaching was in its infancy at the time. A group of us at Catholic were working out how best to help students to really learn from their field experience. My husband, Philip Schrag, brought home Larry’s article, “The Effects of Law Office Work

* Professor Emerita, The Catholic University of America, The Columbus School of Law, Washington, DC.

on the Formation of Law Students' Professional Values: Observation, Explanation, Optimization.”¹ “You’ve got to read this,” he said, “especially the footnotes!” Philip and I were both doing scholarship that sought to draw, not just on other published works, but on the real-life experiences of lawyers and law students, to explore issues that usually were not discussed in judicial opinions or in law review articles. In his article, Larry had, among other things, reported on the ethical issues that his students had encountered while working at field placements, mostly in small law firms, as reported to him in reflective writing assignments. This sort of writing is relatively commonplace now, but in 1991, it was jaw-droppingly innovative. The students’ accounts offered a peek behind the curtain at life in a number of law offices and showed that serious ethical issues arose very frequently. Many students observed significant misconduct by lawyers and judges or were directed by supervisors to do things that were blatantly unethical, such as destroying evidence, altering legal documents, or misusing client funds.² Some students were able to discuss these issues with their supervisors, but many were afraid to do so or were rebuffed when they tried. Larry was rightfully concerned that many of these fieldwork experiences exposed students to serious unprofessional conduct and to cavalier attitudes about basic standards of professionalism. He observed that some students doing externships tended to drift away from aspiring to high standards of professionalism and toward disillusionment and relativism. Larry offered a menu of ideas about how to address these problems.

This article was important for the development of externship teaching. In the course of practicing law, lawyers tend to get used to “the way things are done” and not to notice all the ethical questions that arise in the course of a day’s work. As Larry’s article documented, many students get first-hand exposure to serious unethical conduct. If one wishes to inculcate professionalism, perhaps it is better to offer in-house clinical experiences in which a full-time faculty member can model and teach appropriate standards of professional conduct. The problem with this model is that clinical teaching is very expensive, far more expensive than “stand-up” teaching, because it requires a very low teacher-student ratio. Most schools

1. 4 *Geo J. Legal Ethics* 537 (1991).

2. My husband Philip had sent out a questionnaire to a large group of former students asking them to report on ethical issues that arose in their practice. If memory serves, he got about four responses, mostly stating that they did not encounter ethical issues in law practice.

cannot offer live-client clinical courses to more than a fraction of their students.

A law office run by a law professor may be a kind of sheltered environment compared to a law office run by a practitioner. Caseloads are kept low, which reduces time pressure and allows time to think carefully about what to do and how to do it. Clinical law teachers tend to spend a great deal of time thinking about and developing their skills as supervisors, so the quality of supervision is often better than in offices run by practitioners.

Because of cost issues and for other reasons, most law schools also offer experiential learning through externships such as those that Larry Hellman studied. Quality of assignments and supervision can be variable, but externships can offer great learning opportunities. The students work in real workplaces rather than in rarefied law school clinics. They get to see the unvarnished realities of law practice. Also, often, a student can choose a placement where she might want to work full-time after law school to see if the office or the type of practice is a good fit. These one-term trials offer fantastic opportunities to learn about prospective employers. They often lead to full-time employment.

Several years before Larry's article was published, I had begun overseeing externs in the Law and Public Policy Program at Catholic University and teaching seminars for law student externs. I and several colleagues were working out our ideas about how to help the students learn from these experiences. We noted that Washington, D.C. offered the world's largest legal playground for law students. We organized a large externship program and allowed students to develop placements that fit their professional interests. We allowed students to do fieldwork for credit in federal and local government agencies, nonprofit organizations, law firms, corporations, trade associations, think tanks, and news organizations. We had a regular flow of students who did their fieldwork on capitol hill, in the Department of Justice, the public defender and legal aid organizations, and prosecutor's offices. In addition, our system allowed the students to think about what really interested them and then develop placements at appropriate organizations. Students did fieldwork in national security law, communications law, immigration law, military law, public international law, fashion law, space law, and so on. The opportunities were amazing, but quality control was a challenge.

Some law school externship programs screened field supervisors, offered training for field supervisors, made contracts with supervisors, and

even held supervision meetings with supervisors.³ At Catholic, we chose a different path, to expose our students to the realities of their field experiences, and then to invite them to come back to school and talk, think, and write about what they were seeing and doing. We found that some of the most egregious situations, shared confidentially in a seminar format, became mind-blowing learning opportunities. Here are just a couple of memorable examples:

- A supervisor (on Capitol Hill) tells a beautiful young African American woman to come to a reception for the powerful, white senator for whom she was working on a Saturday night. “Wear a silk dress. The senator likes silk.” It was a command, not an invitation. She did not want to go, nor did she own a silk dress. The senator was a known womanizer.
- A student was working for a prosecutor who had just presented testimony from a police officer who said that he found the cocaine in the defendant’s glove compartment. During a break, the student overheard the police officer bragging in the hallway to his buddy that he had made the whole thing up. The student shared this with the prosecutor who was his field supervisor. The supervisor did not want to hear about it.

The array of professional misconduct issues that students at Catholic encountered may have differed in some ways from the compendium that Larry compiled, in part because so many of our students were working in governmental and non-profit organizations, but serious issues arose often. Rather than trying to shield our students from these experiences, we allowed the students (in reflective writing and in seminar discussions) to analyze the problems and figure out how to respond. Some students were empowered by their reflective work to turn down assignments or to refuse improper directions. Once in a while, a student would decide, in consultation with her faculty supervisor, to cut a placement short and find a different organization in which to complete the semester’s work. The externship faculty did establish ground rules for the field placements. For example, the primary supervisor had to be a professional staff person, not an administrative staff person. Placements were required to give substantive work assignments to the students and were forbidden to ask

3. I tried out doing site visits and holding meetings with externs and their supervisors. I know that many people do this successfully, but I found it really awkward; the communication was very constrained.

students to to administrative work, except to the extent that the lawyers did. If the lawyers did their own photocopying, the students could be asked to do that also. We did not try to supervise the supervisors. Instead, we tried to help the students to learn about and prepare for professional life, warts and all.

In the early 1990s, we were just beginning to explore these difficult questions of how to use live experience in field placements to advance student learning. Larry's article is the first one I remember reading that chronicled this complex learning landscape. I was seeing some problems of the sort he described, so it was incredibly helpful to study his inventory of placement problems and to consider his views on how to address them. The article helped me to clarify my own views. I wanted to create a space in which students could step away from and reflect on their field experiences, guided by a teacher who was not connected to the placement and who had no stake in the institutional norms.⁴ In addition, the article reinforced my growing interest in writing and reading scholarship that illuminated problems from professional life, drawing on live data. I wrote to Larry to comment on the article. He and I were both interested in legal ethics and in externship teaching, and our friendship evolved from those common interests.

In the succeeding decades, Larry and I usually crossed paths at ethics conferences a couple of times a year. Starting in the 1990s, we and others built a community of law professors and lawyers who were interested in legal ethics and in the legal profession. We became a collegial group that valued and respected its participants. Among this group of ethics buddies, there was no competitive academic sniping, no status hierarchy, but a group of professional friends who supported each other and welcomed and nurtured new members. Larry and I were both regular attendees at the annual ABA Conference on Professional Responsibility. We saw one another at the AALS meetings and at other professional meetings. During many lunches and dinners, we compared notes on teaching, childrearing, and life in the legal academy.

In 2005, while he was the dean of Oklahoma City University's law school, Larry organized a legal ethics conference at the law school. I was

4. Like Larry, I made extensive use of reflective writing assignments, partly to "prime the pump" for class discussions. One assignment, for example, asked the students to evaluate their supervisors, as professionals, as people, and as supervisors. Sometimes, in class, I distributed paper and markers, and asked each student to draw a picture of his or her supervisor. This became the launch point for an always fascinating discussion.

honored to participate, and, with Larry's encouragement, wrote a paper titled "Greed among American Lawyers." Larry knew my previous work and encouraged me to write this "gloves-off" look at a problem in the legal profession that had troubled me for a long time.

I will close by sharing a few personal impressions of my admirable colleague. One of the problems in the legal academy, and surely in academia generally, is that so many professors tend to be self-impressed, arrogant, ambitious, competitive, and judgmental. I've attended numerous faculty seminars at which the objective seemed to be the shredding of the presenting scholar's ideas and ego. Larry Hellman simply does not drink at any of those wells. He is truly committed to the improvement of legal education and the legal profession and has worked on scores of projects toward that end. I have never seen him promote himself or seem to be concerned with climbing the professional status ladder. Some academics show up to speak at conferences and leave as soon as their talks are finished. Larry has always been as interested in listening as in talking. He is a gentleman, unfailingly kind, incredibly loyal. I am honored to call him my friend.