

# LEGAL EDUCATION IN VERMONT

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How can we teach law? How can we educate students to become members of the legal profession? What can we give students to help them contribute to the beneficial development of the law and its application? What can we do to enhance the ability of students to lead productive professional lives? And how do we achieve these ends in the context of laws and legal institutions that are always changing?

No wonder that teaching "law" is a challenge. American legal education sees its purpose as going well beyond the inculcation of legal doctrines. Norman Redlich, a national leader of the bar and trustee of Vermont Law School, has explained that the purpose of legal education should be to seek to instill in students a combination of character and craft. The objective should thus be not to cram the student's brain with rules of law, but to give the student the tools with which to solve future problems that are as yet unknown.

It is a lawyer's *character* that produces ethical conduct, professional responsibility, intolerance for injustice, appreciation for the integrity of the environment, and respect for the dignity of all people. Character is best developed in action, in the daily struggle of conflicting forces in human affairs.<sup>1</sup> When clinical education was added to the curriculum of most American law schools a generation ago, it was intended, first and foremost, to teach students professional responsibility or, more broadly stated, to develop character. We now have many variations of experiential education that enable students to apply classroom learning in a practical setting and to learn by doing. Developing good character is a matter of acting professionally in the many small daily decisions in law practice and life and making that a habit.

It is a lawyer's *craft* that produces disciplined and creative thinking, clear speech and writing, effective research methods including the use of computer technology, the ability to distinguish between the relevant and the irrelevant, and the capacity to listen with sensitivity. Here again, the lawyer's craft is developed over a lifetime. The sense of craft provides

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\* Dean, Vermont Law School, 1991-1996; LL.M. 1957, Columbia Law School; LL.B. 1954, Harvard Law School; B.A. 1951, Harvard College. This statement is based on Dean Kempner's address on September 28, 1996, at the inauguration of his successor, Dean L. Kinvin Wroth.

1. Goethe said it more elegantly:

*Es bildet ein Talent sich in der Stille,*

*Sich ein Charakter in dem Strom der Welt.*

JOHANN WOLFGANG VON GOETHE, TASSO act 1, sc. 2 ("Talent forms itself in solitude, Character amid the stream of life.") (Charles Passage trans.).

satisfaction to those who possess and nurture it. The challenge is that craft, like character, can always be improved.

It is not enough for a lawyer to possess character without craft, just as it is not enough to possess craft without character. The two qualities must be combined so that they reinforce each other.<sup>2</sup>

At Vermont Law School, we do not have all the answers to the question of how students learn, nor do we have an exclusive methodology for instilling that combination of character and craft. But Vermont Law School is exceptionally suited for the job: The law school consists of a small community made up of a faculty that stimulates and inspires while it teaches, students who are self-selected and selected by the law school to benefit from this shared enterprise, a staff that cares for and nurtures students; it is a community that believes in due and constructive process, is dedicated to public service, has a nationally recognized program in environmental law and policy, is located in a near idyllic setting conducive to communal learning, and shares the Vermont values of self-reliance, independence of thought, the importance of the individual, and respect for the views of others.

Finally, Vermont Law School is fortunate in having as its new leader Dean L. Kinvin Wroth, who possesses precisely the combination of character and sense of craft of which I have been speaking. With his mind and with his heart, he will advance the qualities for which this law school stands in preparing students for productive professional lives in the twenty-first century.

As I retire from the deanship, I am grateful to have been a member of this supportive professional community of students, teachers and scholars, all possessing congruent goals in education for private practice and public service. This is a place where the rule is cooperation, not destructive competition, where personal integrity still counts, where people care for and help each other, where individuals are not swallowed up in urban anonymity, and where the genuine joy of disciplined learning prevails.

Vermont Law School has left its special mark of character and craft on the members of each graduating class, and it will continue to do so in the future.

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2. While this short essay does not pretend to be a law review article, academic self-respect nevertheless mandates that it have more than one footnote. This is the second. For a detailed discussion of the skills and values that a lawyer should seek to acquire in order to practice law without supervision, see Task Force on Law Schools and the Profession: Narrowing the Gap, *Legal Education and Professional Development—An Educational Continuum*, 1992 A.B.A. SEC. LEGAL EDUC. & ADMISSIONS TO THE BAR (Robert McCrate ed.) (The MacCrate Report).