

# The Practicality of Practicums

## Thinking and Acting Like a Lawyer, One Class at a Time



BY BETH  
A. TOMERLIN

**D**uring my first few weeks at a civil litigation firm, fresh out of law school, I was asked to fill in

for another attorney in the middle of a month-long deposition of a plaintiff in a lengthy case. This was incredibly intimidating, but I had an understanding of how to prepare, what to expect, and how to interact with the various parties in the room, thanks to a course I had taken while at the University of Denver Sturm College of Law.

That course, the Discovery Practi-

cum, differed drastically from other traditional law school classes. As the name implies, the course focused exclusively on discovery rules, and we did not learn simply about the rules and the theory of discovery, we actually engaged in discovery. There was not a lecture component to the practicum; instead, students interacted with Prof. David Thomson, the materials, and each other. This provided the backdrop for students to fully engage with the law and facts of the case as one would in practice.

I believe courses like the Discovery Practicum will drastically change how law students understand law and procedure and will actually provide them with the skills necessary to practice law. After the Discovery Practicum, I felt I understood the basics of litigation and that I

was armed with the skills to effectively begin my career. Whether law school prepares students for the actual practice of law has been a hot topic, both in the news and in the legal community. In a recent New York Times article, the reporter presented attorneys, new and established in their careers, and some professors, who said one thing law school graduates weren't taught was how to practice law. After reading through the article,<sup>1</sup> I disagreed with their comments.

Honestly, I believe that my law school training provided me the skills—both theoretical and practical—to begin my career. Certainly, we are all familiar that the traditional law school education teaches law students to “think like a lawyer,” but many claim that the tradi-

tional education fails to teach students how to actually be a lawyer. Indeed, most first-year classes consist primarily of theoretical work instead of practical application. However, I was fortunate to attend a law school that provided a curriculum that was balanced between theory and practice. At DU Law, I found there were numerous opportunities to participate in a clinic or externship, and the law school offered practicum courses that mirrored the practice of law.

The practicum, which is a part of Educating Tomorrow's Lawyers (see the accompanying sidebar, by Alli Gerkman, “The Roots of Educating Tomorrow's Lawyers”), was an intensive course, and some of the highlights for me included the opportunity to draft initial disclosures and interrogatories, and to

### The Roots of Educating Tomorrow's Lawyers

by Alli Gerkman

*Putting knowledge into practice.* This is the promise of Educating Tomorrow's Lawyers, a new initiative committed to encouraging and facilitating innovation in legal education in order to train new lawyers to the highest standards of competence and professionalism.

The initiative, launched in 2011 and led by IAALS, the Institute for the Advancement of the American Legal System, is based in the findings of the 2007 Carnegie Report, “Educating Lawyers,” and benefits from the leadership of that report's lead author, William Sullivan, along with IAALS Executive Director Rebecca Love Kourlis and University of Denver Sturm College of Law Dean Martin Katz.

DU Law already has two courses, including Prof. Roberto Corrada's labor relations law class, which was highlighted in the December edition of the ABA Journal.

The second course is Prof. David Thomson's Discovery Practicum, which Denver lawyer Beth A. Tomerlin, a 2007 graduate of DU Law, discusses in “The Practicality of Practicums.”

Thomson, who began teaching the course in 1993, recalled his own experience as a first-year associate working on complex commercial litigation: “Unfortunately, I had not learned how to do any of this work in law school—no such course existed.”

Thanks to the initiative of professors like Thomson and Corrada, and the support of law schools committed to progress, tomorrow's lawyers will be better prepared.

Learn more about these and other innovative law school courses at [educatingtomorrowlawyers.du.edu](http://educatingtomorrowlawyers.du.edu).

*Alli Gerkman is online content manager at IAALS - Institute for the Advancement of the American Legal System.*

respond to such request with information and documents we had in our case files. Initial disclosures are not covered in depth in most law schools, and in my experience, most civil procedure courses focus exclusively on the timing of initial

disclosures and a recitation of the rule, leaving the students with a vague understanding that they must reveal some names and documents in the beginning of litigation, but they have no clue how to draft such a document or what to provide to opposing counsel. Additionally, most students are never exposed to the concept of redacting documents for privilege or constructing a privilege log. The practicum provided me not only a roadmap of the basics of how to navigate discovery rules but also drafting skills and tools for conducting discovery.

One of the most beneficial aspects of the course, for me, was preparing for and conducting a deposition of a witness in our case. Of course, we had our fellow students playing the role of the witness (and that certainly has its limitations),

but I was able to take and defend a deposition in front of a live court reporter. Subsequently, we were able to review the transcript of our deposition and receive feedback from our professor. We received feedback on our objections, our phrasing of questions, and our overall demeanor. It provided a safe setting to experiment and learn without costing a client a great deal of money or losing face in front of a senior partner. The deposition component of the practicum was the most valuable exercise I had in law school.

My experience at a litigation firm was not the same as some of the young associates in The New York Times article. Of course, I did find things are a bit different outside the law school setting—I had real clients who called me all the time, I had numerous documents to

review, depositions to conduct, and I had to figure out how to juggle a large case load (and a life outside of the firm).

Law school may not have prepared me for every step, but my experience in the practicum certainly made those early steps a lot easier. I graduated from law school not learning how to “think like a lawyer” but also with a set of tools and skills to actually be a lawyer. **D**

*Beth A. Tomerlin is the pro se protective proceedings facilitator in Denver Probate Court and the legal research attorney for the Third Judicial District.*

<sup>1</sup>David Segal, “What They Don’t Teach Law Students: Lawyering,” New York Times (Nov. 19, 2011), [nytimes.com/2011/11/20/business/after-law-school-associates-learn-to-be-lawyers.htm?pagewanted=all](http://nytimes.com/2011/11/20/business/after-law-school-associates-learn-to-be-lawyers.htm?pagewanted=all).

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