

## USING THERAPEUTIC JURISPRUDENCE IN TEACHING LAWYERING SKILLS

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This paper will discuss the author's fairly new course at the University of Miami's School of Law entitled "New Directions in Lawyering: Interviewing, Counseling, and Attorney/Client Relational Skills." The course combines an analysis of professional values and alternative conceptions of the lawyer's role, including a number of newly emerging approaches, most notably, the therapeutic jurisprudence/preventive law model, with training our students in the interviewing, counseling, and attorney/client relational skills they will need to perform as effective lawyers. It involves reading, class discussion, and problems and simulated exercises exploring these approaches and techniques. Students have the opportunity to participate in videotaped interviewing and counseling simulated exercises with clients played by other students, which are critiqued by the class and instructors, and graded by the instructors. They also have the opportunity to interview an actual client in juvenile detention, for which they also are evaluated by the instructors.

The course hopes to change the culture that now is dominant in law school and to bring the profession back to the conception of lawyer as counselor that once prevailed. This will do much to increase lawyer professionalism and professional satisfaction, as well as client satisfaction and the public's image of the profession. Traditional legal education has relied too much on the case method as its principal teaching technique, has overemphasized the teaching of advocacy skills, and had deified the adversary system as the preferred mode of dispute resolution. As a result, law school frequently indoctrinates students with a view of lawyering characterized by adversarialness. It also creates a professional culture that regards litigation as first-class lawyering, and relegates counseling, problem-solving, and prevention to a second-class status. Yet, the high cost, emotional stress, lengthy delays, and moral challenges of participating in litigation make it a singularly inappropriate method of dispute resolution for most clients.

We need to change this professional culture if we are to serve our clients' needs and interests more effectively. The therapeutic jurisprudence/preventive law model of lawyering represents the future, pointing the way to transforming legal practices in ways that are more satisfying to client and lawyer alike. This model sees law as a helping profession that should be practiced with an ethic of care. This conception is more consistent with humanistic values, and provides a focus for professional activities that is more consistent with the idealism that most students entered law school with. Rather than stripping away their values, as the Socratic method sometimes does, leaving a values vacuum that contributes to de-professionalization and a cynicism about ethical standards, we need to remind law students about their moral vision and ask them to build a professional life for themselves that is congruent with it, rather than detached from or even alien to it. Only then will they be happy, self-fulfilled people, satisfied professionals, and effective lawyers.

Our students need to know that they can become the kinds of lawyers they dreamed about being. They need not become barracudas or pit bulls, but can instead be problem-solvers, problem preventers, wise counselors, peacemakers, and healers. By presenting these options and alternative visions of the lawyer's role, the New Directions in Lawyering course empowers them to design professional lives that will be more satisfying for both themselves and their clients.