Legal Education and Civility

by Dean Mark C. Niles

The popular culture image of the quintessential harsh Socratic law professor, Professor Kingsfield from The Paper Chase, is still vividly remembered almost 40 years after its release. Even current law students, most of them born in the late 1980s, can recall images of the first scene of the film when the contracts professor calls on an unprepared student and proceeds to humiliate him, all in the name of a rigorous legal education (closing the scene by offering the student a dime to call his mother so she can take him home from law school).

Less often remembered is a central plot point involving a student who is struggling in school and is reaching out to his colleagues for help. While sympathetic, his friends ultimately leave him to his own devices, motivated to a great extent by the kind of “sink or swim” attitude fostered by the faculty. The struggling student is a bit older than his colleagues and is married with a small child, giving rise to both distractions and additional responsibilities that the other students are not faced with.

One day, the protagonist has a shock of embarrassment by way of a harsh version of the “Socratic” method inside and outside the classroom, the professional development of students can be severely hampered.

It is critically important that faculty and staff create this positive atmosphere in law school because of the important role that students play in their own education and that of their colleagues. Students learn at least as much from each other as they learn from their law professors during their three years. And much of what is most important to civility in the profession — cooperation, courtesy, consensus-building, and respect for others — is learned (or not) outside faculty classes and office hours.

As deans, we must work to ensure that law school provides an atmosphere that fosters the kind of civility that is essential for the effective function of the legal profession and for the promotion of justice. I have been both impressed and proud to see the great atmosphere of civility that is present at Seattle University School of Law during my first year as dean. Faculty and staff have a great affection and regard for their students, and treat them with great respect and patience. Our students have a cooperative attitude that is particularly laudable in these challenging times in the profession.

I have been touched by the number of stories of selfless and exceptional acts of kindness and support between students during the past academic year, including sharing notes, loaning money to replace lost or broken laptops, and even one incident where a student who was going through a particularly difficult time came home to find groceries in his apartment and a note from some colleagues who were concerned and wanted to make sure he was all right. I feel lucky to be at a school that attracts students of this caliber, and I am confident that the atmosphere created by faculty and staff serves to reinforce these instincts.

The first and best hope for civility in the legal profession is the right kind of legal education. Seattle University School of Law is committed to helping to build the foundation for a strong, healthy, and civil legal practice in Washington state and beyond.

Mark C. Niles is dean of Seattle University School of Law. He was the associate dean at American University Washington College of Law, and has taught civil procedure, administrative law, constitutional law, governmental liability, and law and literature. Earlier in his career, he served as a clerk for the Honorable Francis Murnaghan Jr., of the U.S. Fourth Circuit Court of Appeals. He was an associate at the D.C. firm of Hogan and Hartson and an attorney on the civil appellate staff of the U.S. Department of Justice.