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DEAN JOHN O. MUDD

Robert B. McKay*

Legal education in the United States is one of the great success stories of higher education. The quality of the instruction is, in general, excellent; law libraries tend to be comprehensive; and the physical facilities are usually commodious, even luxurious. Moreover, especially pleasing to the universities of which law schools are typically a part, demand has been high for at least three decades, and the per-student cost is relatively manageable.

Most lawyers in practice agree with this assessment—so far as it goes; but many, perhaps most, criticize the law schools for their alleged failure to provide training to equip law school graduates for the immediate demands of practice. Complaints are advanced that newly admitted lawyers do not write well (echoing similar complaints made by law teachers against undergraduate institutions) and do not possess negotiation and litigation skills.

These assertions are undoubtedly, in large part, justified. The common response by legal educators is that it is the obligation of law schools to teach their students to “think like lawyers” (oh, tired cliché), which means research skills, problem solving, and a certain amount of substantive and procedural law, principally at the conceptual level. In truth, however, there is more behind the reluctance of law teachers to assume responsibility for instruction in the front-line practice skills. Some would unquestionably be uneasy, even incompetent in that role; but the reasons run deeper. Legal education is an extremely conservative profession—not, I hasten to say, in terms of political opinions. Law teachers run the gamut from left to right, and nearly all freely dispense opinions about the proper course of conduct for public figures and private professionals. But when it comes to their own domain, curricular matters and instructional techniques, they tend to be resistant to change.

At least that is the case at most law schools. Happily, not at the University of Montana where Dean John Mudd has had a different vision during the nine (more than average, but still too-short) years of his tenure at the University of Montana School of Law. From the time he came to the law school from practice in

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1979, he sought to determine what lawyering skills were needed for the practice of law in Montana where 90 percent of the school's graduates typically go. His article (with John W. LaTrielle as co-author), "Professional Competence: A Study of New Lawyers," is the result of that study, including an analysis of the responses to a survey of skills needed for recent graduates to be immediately useful in the practice of law.

Several years ago, I had the privilege of spending a few days as a guest of the University of Montana School of Law which gave me an opportunity to witness the success of the program in its preliminary stages. The program is widely known and well regarded among the law schools accredited by the American Bar Association, particularly schools whose graduates will principally enter small firms or solo practice, most often in the same state. (That is not to say that there are no lessons for other schools that believe they have different missions.)

The Montana program is what I call "education for practice" and should no longer be regarded as an experiment. Jack Mudd is recognized throughout the legal academy as a successful innovator. I need scarcely dwell on his personal qualities, which make him a natural leader, qualities which I am sure will be addressed by others.

It is not enough to say that Jack Mudd will be missed by colleagues, students, and alumni when he leaves the law school. The most important point is to recall that he has made an enduring contribution to the school, to the legal profession in Montana, and to legal education everywhere.