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Section III: An Early and Ongoing Commitment to Experiential Education: Introduction

Laurel Terry
lterry@psu.edu

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Introduction to Section III: An Early and Ongoing Commitment to Experiential Education¹

Section III of the *Tradition, Innovation & New Beginnings* issue of the *Dickinson Law Review* is entitled *An Early and Ongoing Commitment to Experiential Education*. The three items in this section, which span more than 100 years, demonstrate Dickinson Law's long-standing interest in, and commitment to, experiential education.

The first item that is republished in this section is an editorial that appeared in the law review's first volume in 1897. This editorial was entitled *About the Moot Court* and explained the function of the items published in the law review under the heading "Moot Court." This explanation is helpful because neither the *Dickinson Law Review* nor any other U.S. law review currently publishes anything that is comparable to these "moot court" items.

The Editorial from Volume One described as follows the "moot court" process that preceded these publications:

The moot court has for some time played a larger role in the Dickinson School of Law than in most other law schools, and during the year just closing it has received an emphasis never before put on it. Since the commencement of the present school year, two nights weekly, Tuesdays and Thursdays, have been devoted to this work. In the fall term, only the seniors [3L students] were engaged as counsel, because it was thought that those who had just begun the study of law were not qualified to act in this capacity with advantage to themselves but since the opening of the long session in January, both juniors [1L students] and seniors [3L students] have been thus employed. Every Tuesday and Thursday night two cases have been argued, one by seniors, and one by juniors. Briefs are prepared in each case by every attorney. Oral arguments are made in the order, and as nearly after the forms as possible, that obtain in court. The Dean of the school has sat as Judge in every case except one, having been relieved on that occasion by Judge Sadler. The cases cited in the

1. By the law review staff. Cite as 122 DICK L. REV. 99 (2018).

briefs and on the argument are examined, and careful opinions are prepared in every case.²

This Editorial provides greater detail about the legal opinions that were included as part of each “moot court” publication:

The preparation of some decisions has required a large amount of time, as those experienced in such matters will readily understand. It has not infrequently happened that as many as fifty authorities have been consulted. As the purpose of the opinion is somewhat different from that of the opinions filed by the judges of the courts, as it is designed not merely to announce the decision reached, and to indicate to trained lawyers the principles that have conducted to it, but to assist students, to clear up for them doubtful or difficult points; the style observed in them differentiates them somewhat from that of the published opinions of the courts.³

The second item in Section III is an example of one of the moot court problems published by the law review: *Moot Court: Barnett vs. Corson*, 10 *The Forum* 57 (1905). *Barnett v. Corson* addresses the issue of libel and whether the truth of a statement may serve as a defense. *Barnett v. Corson* is one of hundreds of moot court problems that might have been selected. The law review published a number of these moot court problems throughout Volumes 1–12 of *The Forum* and Volumes 13–33 of the *Dickinson Law Review*, which was the successor name to *The Forum*.⁴

Although they are not traditional law review articles, there are three reasons why these two “Moot Court” items have been reprinted in the *Tradition, Innovation, and New Beginnings* issue of the *Dickinson Law Review*. First, it seems useful to republish examples of this type of experiential education in order to make them more accessible to current scholars.⁵ Second, republishing these examples is a way to celebrate Dickinson Law’s history and its commitment to experiential education. The third reason why they have been included is to correct a misleading impression that may have been created in 1946 by an editorial that accompanied the 50th Anniversary of the *Dickinson Law Review*. The Editorial Board for

2. *Editorial: About the Moot Court*, 1 *THE FORUM* 136 (1897), reprinted in 122 *DICK. L. REV.* 103 (2018).

3. *Id.*

4. These moot court problems currently can be viewed on HeinOnline. In the future, the law review hopes to have these available on its webpage.

5. Volume 122(2) of the *Dickinson Law Review*, which is forthcoming, includes an article by Professor Peter Joy that traces the history of ABA accreditation rules regarding experiential education and skills courses.

the 50th Anniversary issue referred to the early years of the law review rather dismissively, stating:

With this issue, the *Dickinson Law Review*, fifth oldest law school journal in the country, completes its fiftieth year of publication. The *Review* came to life in January of 1897, under the name of *The Forum*. At that time, it was published monthly and its content was principally social; the pages of *The Forum* were devoted to comments concerning the students and the alumni, reports of the moot court cases, addresses by the Commencement speakers and the like.⁶

In our view, the description of *The Forum* as “primarily social” unfairly characterizes the content of *The Forum* and its successor the *Dickinson Law Review*. The “moot court” items that were published in Volumes 1–33 memorialized innovative experiential education efforts and provided students with an opportunity to master the law, much as a current-day law review comment does.

The third item in the “experiential education” section of the *Tradition, Innovation & New Beginnings* law review issue is an article entitled *Rat Race: Insider Advice on Landing Judicial Clerkships*. This article, which was written by Third Circuit Judge Ruggero J. Aldisert and two of his law clerks, provides students and their faculty and career service advisors with a number of concrete recommendations to help a student land a judicial clerkship after graduation. Although this article is more than ten years old, having been published in 2006 in the *Penn State Law Review*,⁷ it remains timely and full of good advice. Reprinting this article reflects Dickinson Law’s commitment to experiential education.

The *Dickinson Law Review* hopes that you will enjoy (re)reading these articles related to experiential legal education that span more than 100 years.

Laurel Terry

6. Editorial, 50 *Dickinson L. Rev.* 195 (1946).

7. The *Dickinson Law Review* has had several names over the course of its 121-year publication history. From 1897–1908, it was published as *The Forum*. From 1908–2003, it was published as the *Dickinson Law Review*, including the first six years after the law school’s 1997 merger with Penn State University. From 2003–2017, the law review’s title was the *Penn State Law Review*. From 2005–2017, the *Penn State Law Review* was jointly published by students located at Penn State’s Carlisle and University Park law school campuses. As a result of the split of Penn State’s campuses into two separately-accredited schools, in 2017–18, Penn State Dickinson Law will publish Vol. 122 of the *Dickinson Law Review* and Penn State Law will publish Vol. 122 of the *Penn State Law Review*.