

# CHICAGO LAWYER

APRIL 2017

## CLIFFORD'S NOTES

W

hen I was in law school, I knew I wanted to be a trial lawyer after hearing famed personal-injury attorney Philip

Corboy speak to my civil procedure class. I immediately started clerking for his firm and registered for evidence as one of my core classes at DePaul University College of Law.

The class was rigorous and I learned a great deal with some of those rules ingrained in my head from a professor who knew the material well. With all of the evidence-oriented questions that are on the Illinois bar exam, it also was helpful to fall back on all of those lectures and cases that I had read and grew to understand even more with every course I took.

Today, when I hire clerks or attorneys at a firm that I've headed since 1984, one of the first questions I ask is if the candidate has completed a class in evidence. The answer must be yes. Just recently, though, it came to my attention that evidence is not part of the required curriculum in the vast majority of law schools. That came as quite a surprise to me.

Over the years the trend appears to be to cut the number of required classes at law school to allow students to control their legal destiny. A cursory examination of some of the country's most prestigious law schools — from Stanford to Harvard to Yale to the University of Chicago — indicates that evidence is an elective class for law students.

There are a few exceptions: Howard University School of Law requires evidence as an upper-level required course. "The course examines the system of rules by which the admission of proof at the trial of a lawsuit is regulated, including judicial notice, hearsay, qualifications and privileges of witnesses, conduct of examinations, competency of witnesses, relevancy and materiality of offers of proof, legal presumptions and the burden of proof and functions of judge and the jury," according to Howard Law School's course description. What lawyer doesn't need to know all of these issues regardless of their area of concentration or specialization?

I understand that there are a lot of classes that law students need, not only to create a solid basis on which to practice, but also to get a wide spectrum of classes to help one decide on where to concentrate. Certainly everyone does not want to be a trial lawyer, but so many issues in law are based on evidentiary questions. It is a useful class on a daily basis for thousands and thousands of lawyers-to-be.

For example, the very notion of hearsay is an



## THE EVIDENCE FOR EVIDENCE

Why every law school should offer courses in evidence

By BOB CLIFFORD

issue that lawyers deal with on a daily basis. It deals with the notion of justice and fairness. It is one of the foundations of the profession. Having a course in evidentiary questions dealing with issues of hearsay or privilege can only make a lawyer better in practicing law.

Professor emeritus Stephan Landsman of DePaul University College of Law understands the importance of knowing the rules of evidence. A graduate of Harvard Law School, he has taught evidence for 30 years and co-authored a book on the subject, "A Modern Approach to Evidence," published by West Academic.

"Evidence law is an essential element of a legal education. It is the extension of civil procedure into the trial context. Any lawyer who is going to do work that may be affected by court action needs this training," he told me.

Landsman said the first thing he tells his law students in evidence class is that "The rules of evidence are the lawyer's power tools. They empower the lawyer to control the proceedings. They limit the discretion of the court and protect the fairness of proceedings. Every law student should take an evidence course. The course is a fundamental building block of a lawyer's educa-

tion."

I agree with professor Landsman. Every lawyer goes into court with the tools of evidence on his side. Certainly the judge has discretion to rule one way or another, but the better the lawyer knows the rules of evidence, the more persuasive one can be — and the better the job that the lawyer can do for his client.

I simply view evidence as a pillar of the profession, and if law schools do not require it as part of the core curriculum, it is up to every law student to make it part of their being the best lawyer they can be. [CL](#)

**Bob Clifford** is the founder of Clifford Law Offices. He practices personal injury and regularly handles complex damage cases.  
[rclifford@cliffordlaw.com](mailto:rclifford@cliffordlaw.com)