

## VIEW

## the vote

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and in five of these jurisdictions, there is a 20% African-American disenfranchisement rate.

To sort out how these laws affect racial minorities and how the disparate impact might be challenged, the authors engage in an empirical and statistical overview of disenfranchisement laws. Most individuals affected by these laws are nonviolent offenders, and many are those who have been convicted in the war on drugs, which has targeted racial minorities at a severely disproportionate rate. Further, the authors found a direct relationship between the African-American proportion of a state's prison population and the probability that the state will adopt or extend felon disenfranchisement. Thus, as other racial barriers have fallen, disenfranchisement has become the primary means of reducing the African-American vote. As a process, it is more "race-neutral" than literacy tests or poll taxes. Yet, without proof of an "intent" to discriminate, the courts have rejected constitutional and Voting Rights Act challenges.

In a related development, many states engage in prison-based gerrymandering, in which they assign the population of mainly rural prisons to the districts in which the prisons are located, even though the great majority of inmates are from urban districts in the same state. The dilution of the voting power of minority voters in the urban district presents significant questions under the Voting Rights Act.

Credited theories still prevail. Disenfranchisement laws are, for the most part, disfavored by a majority of African-Americans. Yet in many places the rationales offered in defense of felon disenfranchisement—including the "purity of the franchise," the importance of the "so-called contract" and possible "corruption" in the ballot process—continue to hold, however difficult it is to credit these theories with any merit.

## LEGAL EDUCATION

## Teach business basics

By Matthew Weinstein SPECIAL TO THE NATIONAL LAW JOURNAL

THE BUSINESS OF America is business." What was true in the 1920s is true today. Then why is it that law schools effectively ignore teaching the business of law and the economics of business deals, which drive so much of a firm's workflow? My own experience is a case study in law schools' business education deficiency.

Law school was devoid of any mention of how the practice of law operates as a business and how our clients function as businesses. It was as though law school presumed you would work in a legal vacuum without a care as to how business comes in the door or how economics drive our future clients.

And therein lies the disconnect. A couple of years out of law school, and I am expected to create a marketing plan, but I have no formal education in marketing. Worse, as a transactional lawyer (I practice "dirt" law), I am presumed by my clients to understand rudimentary accounting and be facile in advanced finance. The only problem is I never learned—nor was I expected to even use—the lingo.

Generating business? Structured marketing plans? Goodness gracious, no. I could write a brief to the U.S. Supreme Court and argue in front of the 3d U.S. Circuit Court of Appeals following graduation from law school (or so I was told). Unfortunately, I had limited skills with which to obtain business and demonstrate my legal prowess. In addition, other than common sense, I had little formal training with which to go out and, in a nonscattershot fashion, generate business. What made the transition from the ivory tower to private practice all the more distressing is the fact that I did not even know that I would need to develop

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the skill sets to generate business and understand the business of my clients so early in my career.

It is not as though I expected to toil in the salt mines for five or 10 years, learn the letter of the law and then emerge as counsel to the deal on the day that I made partner (should I be so fortunate). However, upon graduating from law school, I did expect more of a honeymoon period whereby I would learn the trade gradually, have a layer of partner protection and, over time, develop both legal and business expertise in a hands-on manner. What I have discovered is that clients are more forgiving of a lack of

knowledge on the legal side and less understanding of a lawyer's deficiency in the client's area of expertise, the business side. The honeymoon has been short.

## Disservice to students

Looking back, I wish now that law school took seriously the 1920s truism and recognized that, like it or not, the business of law is business.

By de-emphasizing the economics of the business of law and the business of our future clients, law schools do a disservice to their graduates. True, such an emphasis may add to the coarseness and monetary-rewards facets of the profession rather than the optimistic pursuit of justice.

Unfortunately, my personal educational gap has created a tremendous handicap for me by throwing me into a world where I am facile with the law but fail to appreciate the fundamentals of the business deals that are struck and the economic structure of the legal profession. The dream utopia of practicing law in a vacuum emphasized in law school fails to recognize the realities of practice. It is incumbent upon law schools to recognize the practical needs of their graduates and offer, if not require, a series of lectures, a seminar or even an audited course that focuses on the fundamentals of accounting, finance and marketing in order to prepare practically, and not only academically, the lawyers of tomorrow. NLJ

Clients expect us to know finance.

## LAW AND LAUGHTER