

Spring 2013

Professor William Gallagher: The Practice of Intellectual Property Law - in the Classroom

Lisa Lomba

Golden Gate University School of Law, llomba@ggu.edu

Follow this and additional works at: <http://digitalcommons.law.ggu.edu/pubs>

 Part of the [Legal Education Commons](#)

Recommended Citation

Lomba, Lisa, "Professor William Gallagher: The Practice of Intellectual Property Law - in the Classroom" (2013). *Publications*. Paper 594.

<http://digitalcommons.law.ggu.edu/pubs/594>

This Article is brought to you for free and open access by the Faculty Scholarship at GGU Law Digital Commons. It has been accepted for inclusion in Publications by an authorized administrator of GGU Law Digital Commons. For more information, please contact jfischer@ggu.edu.

THEORY TO PRACTICE

Professor William Gallagher

The Practice of Intellectual Property Law—in the Classroom

In recent years there has been a lot of buzz in legal education about the need for law schools to produce more “practice-ready” graduates. GGU Law has long prided itself on providing rigorous, practical legal education, and Professor William Gallagher’s course, IP Litigation: Trademark and Copyright, is at the forefront of this tradition.

Professor Gallagher designed the IP Litigation course to emulate how lawyers learn the law in actual practice. There are no textbooks assigned for this class. Rather, students meet each week in a small-class setting to go over assignments that require them to solve a client problem and produce weekly written work product—which includes client letters, cease and desist demands, legal pleadings such as complaints and answers, discovery requests, short memos, and pretrial motions. In other words, the types of work intellectual property lawyers do from the first day of practice. And, as in actual practice, students in IP Litigation may use any source necessary to help them complete their work, including professional practice guides, Google searches, legal treatises, online research tools, or discussions with actual attorneys.

Of this highly pragmatic process, Gallagher states, “That’s exactly how lawyers approach solving problems and figuring out what to do. You can ask colleague lawyers for advice or exemplars, or you can look at practice guides to give you some insight as to what to do—and believe me, beginning lawyers are often confronted with situations in which they are not certain what to do, so they need a game plan for what steps to take or questions to ask to be able to succeed.”

Gallagher believes that law students need to learn how to do practical legal research using a variety of resources beyond doing standard, academic legal research. “Law students sometimes provide an answer, but lawyers

need to provide the answer and to know whether or not they’ve found it.”

Gallagher notes that new lawyers often do not get much guidance or training in practice because busy lawyers do not often have time to mentor them. “It’s not much of an exaggeration to say that the guidance you sometimes get in practice is ‘Do this quickly and don’t screw it up.’ That was certainly my experience as a young IP lawyer, and that of many others.” This is a common reason that some firms and organizations do not want to hire new lawyers—it is time-consuming to provide the mentoring many new lawyers require.

GGU Law student Lisa Agueda says that Gallagher’s approach pays dividends. “IP litigation has taught me to think like an attorney. I am confident that I can write a cease and desist letter, draft complaints, and propound discovery. In fact, this course has opened the door for a potential IP litigation job this summer. I think it’s essential for any student interested in practicing IP.”

Gallagher is convinced that the type of learning he fosters in his class is the future of legal education. And he is confident that by learning how to teach oneself the law as lawyers do, students gain an advantage in the marketplace for externships and employment over graduates who lack such training.

Students in Gallagher’s IP Litigation class are graded not only on the quality of their written work but also on their self-assessment of their process in executing each week’s tasks—including a discussion of how confident they are that they got each assignment “right.” A big part of the learning in this class stems from students’ analysis of what did and did not work as expected and why.

“That’s often the most challenging thing for law students

and new lawyers to deal with,” Gallagher says, “the uncertainty that is part of any legal practice. Lawyers need to develop skills to to teach themselves the law by drawing on multiple sources of information, thereby resolving uncertainty and producing quality work for colleagues and clients.”

Another thing that sets *IP Litigation* apart from classes taught at other law schools is the extent to which students receive written comments on their work from a lawyer who has deep practical experience in intellectual property. Each week, Gallagher provides extensive written feedback on both the substance and style of students’ writing before discussing the assignment in class.

“Students are sometimes surprised to find out that I comment not just on the substance of what they turn in—did you find the best legal authority for your position, for example—but also on the style—did you write clearly and effectively? I not only read the cases or statutes cited to tell them whether they found good sources, but also correct sloppy, grammatically incorrect, and overly colloquial writing to guide students to produce polished, professional work. Lawyers don’t want to work with

lawyers whose writing they need to correct. My goal is to show students how to be self-critical so as to produce the best work product possible.”

In his eight years of teaching at GGU Law, Gallagher especially enjoys the *IP Litigation* class because he sees students come into class performing as law students and leaving class performing as junior lawyers. “It’s gratifying to see how hard our IP law students will work. It is not easy getting feedback that how you work and write is not yet at a high level, but what strikes me each time I teach this class is how most students take constructive criticism and advice to heart and produce polished and lawyerly work by the end of the course.”

Student Jeff Tye agrees. “IP Litigation flips the script. Instead of sitting through a lecture in class, students have the opportunity to discuss the challenges or successes they faced in completing the assignment. It is a challenging course, and you usually feel completely ignorant when beginning each assignment. But it is precisely this struggle that guarantees you will actually learn something, not to mention giving you a taste of what being a lawyer is all about.” ///



“My goal is to show students how to be self-critical so as to produce the best work product possible.”