

PERSONALIA

Who's Afraid of Derrick Bell? A Conversation on Harvard, Storytelling and the Meaning of Color

S B Goldberg

78 ABA J (Sept 1992) p 56

An interview with Derrick Bell, Harvard law professor whose contract was terminated in July 1992. Bell is described as a "renegade civil rights scholar".

Reuschlein receives Kutak Award

XXIII Syllabus 4 (Fall 1992) p 3

Report on award to Harold Reuschlein, Dean Emeritus of the Villanova University School of Law, of the 1992 Robert J Kutak award by the Council of the ABA Section of Legal Education and Admissions to the Bar.

PLANNING & DEVELOPMENT

Export opportunities in legal programmes

Aust Fin Rev, 6 October 1992

Article on new guide to studying law in Australia, aimed at the Asia-Pacific market. Outlines programs already in place. Part of response to identifying and understanding the overseas opportunities and challenges facing Australian law schools in the 1990s.

Legal studies an untapped earner

S Matchett

Aust, Higher Education, 7 October 1992

Article on publication of guide to studying law in Australia. Discusses some of courses offered already which are or could be of interest to foreign students.

Preparing English Lawyers for Europe

F G Jacobs

17 Eur L Rev p 232

Modified text of a lecture concerned with the legal education of English lawyers in Community law and highlights the distinctive features of Community law which justify making the study of the subject compulsory for all intending practitioners of the law. English lawyers who are familiar with Community legal method will have increasing opportunities to provide legal

services both in England and elsewhere in the Community. A suggestion is made that the existing professional courses be replaced with a postgraduate year for those law graduates intending to practise. The postgraduate year would have a number of objectives including the opportunity to give students a proper academic training in subjects considered by the professions to be essential and for which time cannot currently be found in the undergraduate syllabus.

Too many lawyers polluting the tort?

S Matchett

[see Statistics]

MacCrate Task Force Issues Final Report

XXIII Syllabus 4, Fall '92, p 1

Article discusses the report of the Task Force on Law Schools and the Profession: Narrowing the Gap, chaired by former ABA president, Robert B MacCrate. Report includes an exhaustive analysis of the role of law schools and the practising bar in developing lawyering skills and values, and proposes a long range approach to achieving excellence in the profession. Report looks at public and professional expectations of what lawyers are and ought to be, what skills and values they need to fulfil those expectations, and how they go about acquiring them during and after law school.

One of the recommendations is the establishment of an American Institute for the Practice of Law which would look at the entire process by which lawyers acquire and refine lawyering skills and professional values. It would be a resource centre for law schools and providers of continuing legal education, and would foster research and development to enhance the profession's understanding of lawyering skills and professional values, and would develop a plan to promote continuing legal education.

Preparing Lawyers for the 21st Century: some Challenges for Legal Educators

M Neave

8 J Prof Legal Educ 2 (Dec 1990) pp 149-160 *

The author commences with a consideration of those global issues likely to need addressing during the next fifty to one hundred years. She then examines the impact of these on social and legal institutions as well as the nature of legal change likely to occur to accommodate societal change.

Against this background she discusses the implications for legal educators of these likely changes. This includes reassessment of legal reasoning and the role of legal principles, of methods of conflict resolution, of the relationship between law and science and of the changing position of women in society, in particular, their increased involvement in the legal profession and the effect of feminist legal theory.

PRACTICAL TRAINING

Appropriate Methods for the Teaching of Legal Skills in Practical Training Courses

R Park

8 J Prof Legal Educ 2 (Dec 1990) pp 161-189 *

This paper seeks to clarify some ideas about the teaching of legal skills. It discusses in some detail the nature and identity of legal skills. The current methods of teaching them are explored and a brief comparison made between teaching those skills and methods and approaches used in a different but comparable professional field. Also discussed are models of teaching and instructional design and their application to legal skills. The author draws conclusions as to the present and possible future directions of legal training.

PURPOSE

Legal Education: Pulling Its Weight in the Nineteen Nineties and Beyond

R E McGarvie

17 Monash U L Rev 1, p 1

Article propounds two propositions. That the legal education which should now be planned is one which will serve the needs of democratic society in the nineteen nineties and beyond; and that those needs will be met only if those who provide education in law apply

fully the basic principles and precepts of a modern university.

The consequences of adherence to those propositions would be that legal education would widen and deepen the areas it covers and would cost more to provide than at present. The author concentrates mainly on legal education in universities because, he argues, those who provide most of the leadership and influence within the legal system have learnt law at university. He also says that to achieve the change in legal education which is necessary, the support of the legal profession and the judiciary is needed because a forward plan requires broadly supported ultimate objectives and generally accepted notions of practical ways of achieving them.

Argues that one of the most fundamental and demanding challenges to academic lawyers is the development of a science and philosophy of law appropriate to these changing times. The wholesale departure by the majority of university law schools from research, teaching and scholarship in jurisprudence has led to a shallowing of legal education and a diminution in its quality.

To be certain of its destination, legal education needs to be able to obtain guidance from the past, but teaching in constitutional and legal history has also been largely abandoned in Australian law schools.

In law schools effort should be concentrated on researching and teaching both the law and the legal system as they are and as they ought to be.

Concludes by suggesting that the continuance of democracy demands that the universities through their academic lawyers fulfil a much more responsible and demanding community role than hitherto.

SKILLS

International Client Counselling Competition

J M Burns

37 J L Socy Scot 5 (May '92) p 187

Article reports on the development of the Scottish and International Client Counselling Competitions. The competitions are based on the belief that interviewing is a transferable skill, which can be learnt. Describes the competitions in Scotland in recent years, and the University of Glasgow's involvement in the 1992 international competition in the United States.

How do Lawyers really Think?

N L Schultz

42 J Legal Educ 1, pp 57-74

Article argues that the law schools cannot really teach students how lawyers think without teaching them at the same time what lawyers do. "Thinking like a lawyer is a much richer and more intricate process than collecting and manipulating doctrine."

Article presents a case for offering in legal education a complexity that matches the complexity of the legal world in which students will function after they graduate. Argues that the dichotomy prevalent in legal academic circles - "skills" versus "substance" - ought to be banished from our thinking.

The second part of the article presents a number of practical suggestions, designed to stimulate new dialogue and reflection about what it means to "think like a lawyer".

STATISTICS

Too many lawyers spoiling the tort?

S Matchett

Aust, Higher Education 7 October 1992

Discusses major growth in law student numbers as result of new Australian law schools. Some say the market will not absorb them, others that more lawyers will be a benefit. May mean that the "currency will be devalued" and a further postgraduate degree will be necessary. Law schools in Australia have grown from 12 in 1987 to 22 at present. Some say that the way of the

future is for lawyers to specialise and the role of the law schools is to offer more specialist courses, especially at postgraduate level.

TEACHERS

The Future of Women Law Professors

H Kay

77 Iowa L Rev 1, p 5

Recounts the history of women as teachers in American law schools. Outlines further research planned, including a study of the influence women law professors have as scholars on the development of the law.

Controversial Scholarship and Faculty Appointments: a Dean's View

G R Stone

77 Iowa L Rev 1, p 73

Discusses how a dean should think about the institutional issues posed by the need to evaluate novel, controversial, or unorthodox forms of scholarship in the context of faculty appointments and promotions. Discusses what is meant by good scholarship, and problems in deciding whether this exists or not. Discusses the risks of both undervaluing and overvaluing. Suggests the two ideals should be: 1. law schools should always be open to new ideas, and scholarship should never be dismissed as unworthy merely because it is unorthodox, controversial or even deeply unsettling. 2. at all levels of appointment, law schools should insist on excellence in scholarly research.

The Hypothetical that left Classroom for Court

G Leech

Aust Fin Rev, 14 October 1992

Article on a law teacher's threat to sue for defamation those students who lodged a complaint with the dean about what they considered to be offensive material used in the teacher's tutorials. Raises issues of pressure being placed on teachers as to how they teach, and the appropriateness of a teacher suing his/her students.

[Also brief article entitled "Lecturer lodges defamation claim" in The Australian, 21 October 1992.]