CAREER PATHS

Career services: an essential element of the legal industry
G Peshel
XXV *Syllabus* 2, Spring 1994, p 3
Marketing law graduates, especially during constrained economic periods, is a complex and demanding task. The nation's best and brightest need more than "just a job". They need to choose from job opportunities relevant to their talents, interests and needs. Likewise, employers need to find and acquire the services of attorneys with a "goodness of fit" that will encourage longevity and stability in their hires.

These requirements demand that career service administrators take the lead in generating strategic plans for systematically organising an employer/jobs development and career services program at the law school. The article outlines what is required to do this.

CLINICAL LEGAL EDUCATION

Can virtue be taught to lawyers
A Gutmann
[see Purpose]

CONTEXT, CRITICISM AND THEORY

Rodrigo's fifth chronicle: civitas, civil wrongs, and the politics of denial
R Delgado
45 *Stan L Rev* 6, July 1993, pp 1581-1605
This article is a fictional account of a law professor and his protege discussing legal theory. The protege, Rodrigo, points out that students want to learn technique, client counselling and black letter law so that they can effect change in the world. The law faculty on the other hand want more theory, more ethics and more attention to the Good. However, attention to higher legal theory allows the legal scholar to dwell in the realm of abstraction and normativity and avoid taking practical action. During a student's first year at law school, the desire to effect practical change is swallowed up by the more comfortable desire to dwell in the abstract world of legal theory. Legal theorists and educators need to stop talking to each other and step out of their own doctrinal comfort zone and talk to those on the outside of legal institutions.

Legal education and the politics of exclusion
R A Epstein
45 *Stan L Rev* 6, July 1993, pp 1607-1626
A generation ago women and minority groups appealed for greater participation in law schools, universities and society through the language of open market competition. However, no stable competitive equilibrium occurred; there was a shift from open competition to new forms of preference and exclusion. Now "diversity" is more appealing than the affirmative action of "yesterday". "Diversity" sees the cultural, racial and sexual differences as adding to the richness of jurisprudential debate. Minorities have a voice by virtue of their status as a minority. Women and minorities are now considered first, and others are asked to stand silently in the queue.

The knowledge that a member of a minority possesses is due to his/her experience as a member of that minority and he/she is immune to cross-examination by others. Others are ill-equipped to participate in the debates of minorities or offer intelligent empathy on the grounds that they do not have the first-hand experience of a member of that particular minority. Other people are thereby excluded from the debates of minorities. Distinguished scholars from different methodologies and beliefs are summarily dismissed because they are white and male. It is indeed ironic that the critics of racial, social and sexual stereotypes have resorted to the same exclusionary practices that they themselves found so hurtful. The modern discourses of critical theory have not only sought to exclude others from their debates but have contributed little to the debate of substantive legal issues.

The use and abuse of philosophy in legal education
M C Nussbaum
45 *Stan L Rev* 6, July 1993, pp 1627-1645
Legal scholars make use of philosophical concepts however, their discussions show only an elementary awareness of the rigorous work of philosophers. Often, lawyers will not realise that what is normative and uncontroverted is philosophically highly controversial. For example, a judicial opinion may discuss emotion and reason yet it will fail to examine the philosophical issue concerning the relationship between emotion and reason. As law deals with policy areas in which philosophers have become enmeshed, it can profit from the contributions made by philosophical argument. An example is the philosophical question of when life begins and its application to the abortion debate. However, the aim of law schools should not be to produce students that think like philosophers, but to produce students that can use the insights of philosophy to grapple with the practical problems that they encounter.

A separate course in philosophy at law schools would however, be too cordoned-off from the rest of what the student is doing to have much impact. The pervasive method, whereby each course would include a unit on relevant philosophical issues raised by the substantive material within the course, has not received acclaim in legal education literature.

The solution to this dilemma is the employment of one or two philosophers in a half-time appointment, allowing them to retain a strong connection with their discipline. They would be given enough time in the law school to learn the law and would eventually teach the regular first-year courses.

What we do, and why we do it
L Alexander
45 *Stan L Rev* 6, July 1993, pp 1885-1904
The standard forms of legal scholarship are doctrinal scholarship (description of legal rules), normative scholarship

(prescribes doctrinal change), empirical scholarship (examines the social effect of legal rules), historical scholarship (relates legal doctrine to historical perspectives), and jurisprudential scholarship (investigates the essential nature of law). Feminist Jurisprudence, Critical Race Theory and Postmodernism are the new kids on the block. Two of the four types of feminism identified sit squarely within the traditional forms of scholarship, whilst the third form seeks to explain how women fare as a group, and the fourth focuses on the different moral and empirical worlds of women and men.

> *"Legal educators and theorists need to stop talking to each other and step out of their own doctrinal comfort zones and talk to those outside of legal institutions."*
>
> *R Delgado*

Using Edward Rubin's method of evaluating scholarship, the third and fourth types of feminist jurisprudence fail the test for rational discourse as does critical race theory. Postmodernism is not a form of legal scholarship but a philosophical outlook of universal applicability that has found its way into law reviews, both in its own right and as a tool used by the critical forms of legal scholarship. Whilst law is not an autonomous discipline it is does contain an autonomous technique - scholarly legal advocacy (SLA). SLA is the interpolation of a legal principle from a line of cases with a view to arguing that the principle covers the case at hand. However, SLA is philosophically untenable. In hiring new faculty members, JDs should not be preferred over PhDs and excellence as legal scholarship does not require a particular composition of women and minorities.

Ambivalence: The resilience of legal culture in the United States
J Resnik
[see Women's Issues]

Legal scholarship today
R A Posner
[see Curriculum]

"A(nother) critique of pure reason": toward civic virtue in legal education
A P Harris and M M Shultz
[see Purpose]

Liberal political culture and the marginalised voice: interpretive responsibility and the American law school
D A J Richards
[see Purpose]

CONTINUING EDUCATION

[no material in this edition]

CURRICULUM

Legal scholarship today
R A Posner
45 *Stan L Rev* 6, July 1993, pp 1647-1658
The past three decades have wrought profound changes in legal scholarship. The traditional law professor was a student of legal doctrine, a lawyer training the next generation of lawyers who through law review articles, treaties, model laws, and restatements of the law guided the judges and practitioners. Such doctrinal legal scholarship flourished between 1870 and 1965 but has been in decline since. Law and Economics takes pride of place as a discipline that has challenged the legal doctrinalists' monopoly. The application of political and moral philosophy to the law are examples of other disciplines that have recently arisen to challenge the doctrinalists. The newcomers deploy non-legal tools to the study of the law.

Politically the faculties of leading American law schools now stand to the left of the judiciary. The newcomers write for each other and therefore offer little guidance on substantive issues of concern and interest to the practitioners of law. Furthermore the new learning is antagonistic to the old. The introduction of the interdisciplinarian has shown that lawyers rarely understand the social and economic effect of the laws they administer. However, whilst a professionalism, dependability and craftsmanship is being lost, intellectual sophistication is being gained.

Legal education and the ideal of analytical excellence
J H Wilkinson III
[see Purpose]

Legal education and the politics of exclusion
R A Epstein
[see Context, Critism and Theory]

The use and abuse of philosophy in legal education
M C Nussbaum
[see Context, Critism and Theory]

The value of public service: A model for instilling a pro bono ethic in law school
J Chaifetz
[see Purpose]

DISTANCE EDUCATION

[no material in this edition]

ENROLMENT POLICIES

[no material in this edition]

EVALUATION

[no material in this edition]

FACILITIES

[no material in this edition]

FINANCIAL ASPECTS

Commission on financing of legal education formed
XXV *Syllabus* 2, Spring 1994, p 1
Recognising that the issue most affecting legal education and its future is the need for adequate financing of