

ADMINISTRATION

[no material in this edition]

ADMISSION TO PRACTICE

[no material in this edition]

ASSESSMENT METHODS

[no material in this edition]

CAREER PATHS

[no material in this edition]

CLINICAL LEGAL EDUCATION**An unruly conjunction? Social thought and legal action in clinical legal education**

A J Goldsmith

43 *J Legal Educ* 3, September 1993, pp 415-453

This essay examines some dimensions of the relationship between social theory and legal practice in the setting of university-based clinical legal education. The thesis is that an academically challenging legal education requires that clinical legal education courses be more than just exercises in skills acquisition, and should include a theoretical component, directed to encouraging law students to critically examine, understand and evaluate the activities comprising legal practice.

Keeping the practice in clinical education and scholarship

R A Boswell

43 *Hastings L J*, 4, April 1992, pp 1187-1194 *

In his essay, Professor Boswell traces the progress of the clinical movement from the margins of the academy in the 1960s to its more mainstream position today. He contends that, because of various forces (including the availability of tenure), clinical scholarship has begun to merely emulate traditional scholarship. He notes the shift of clinical emphasis

from the client to scholarly development of theoretical models. Professor Boswell calls for a return to the original purpose of clinical programs - bridging the distance between theory and practice.

A blueprint for a Center for Social Justice

B K Freamon

22 *Seton Hall L Rev*, 4, 1992, pp 1225-1249

The clinical legal education revolution lacks a sense of focus and direction. Consequently, the author advocates a law school clinic with an inbuilt 'justice mission' - a commitment to social justice through the empowerment of, and provision of assistance to, the poor. The Center for Social Justice (CSJ) established at Seton Hall represents the state-of-the-art law school clinic. The goals of the CSJ are the creation of a culture of continuous professional and personal growth within its student body, the provision of high quality legal services to the poor, encouragement of the ideal that community service is the primary responsibility of the lawyer and the provision of a forum for interdisciplinary discussion and debate on community issues. These goals will be pursued through; A. the law school curriculum; B. interdisciplinary social justice conferences (colloquia) and; C. confessional service to the poor by third year law students.

The clinical experience: a case analysis

R A Solomon

22 *Seton Hall L Rev*, 4, 1992, pp 1250-1275

Each semester, students at Yale Law School's Homelessness Clinic participate in a major clinical project. The article recounts the efforts and events of a class action brought by the students at the clinic on behalf of individuals who were facing the termination of and subsequent eviction from emergency housing. The case went to litigation, and the favourable result generated is a testimony to both the large amount of work the students put into preparing the case and the enthusiasm that a real life clinical experience can create. Students were required to consider not only the likelihood of success of their action, but also issues such as whether the case should be brought at all, the effect that

the result of the case may have on the law as well as policy considerations. Students also developed housing initiatives and drafted new legislation in response to the deficiencies of current legislation. The author concludes that whilst experiential learning is unpredictable, and the collaborative part of the project time consuming and inefficient, the product is well worth the effort.

Teaching appellate advocacy in an appellate clinical law program

J T Sullivan

22 *Seton Hall L Rev*, 4, 1992, pp 1277-1307

The article is a personal account of the operation of how appellate litigation theory and skills were taught through the use of the South Methodist University Appellate Clinic. The central goals of the clinic were to provide students with an opportunity to develop litigation skills and provide clients with effective representation. The role of the supervising attorney or director as a role model litigator is investigated. Non-clinic faculty were encouraged to become involved with the clinic, so as to provide a national and comparative perspective on the case, to critique the case and to offer opinions on the policy issues of the case. The author details how the classroom component of the course might be taught and the textbooks that may be of use. An outline of where the director should intervene in the process so as to ensure competent representation for the clients is provided in the article.

Beyond cut flowers: developing a clinical perspective on critical legal theory

P Goldfarb

[see Context, Criticism and Theory]

CONTEXT, CRITICISM AND THEORY**Jurisprudence at century's end**

G Minda

43 *J Legal Educ*, 1, March 1993, pp 27-59

This article explores how the new forms of scholarly discourse have ruptured the modernist vision of jurisprudence and how those discourses have themselves

been reshaped by a new postmodern perspective. The author commences by examining the causes leading to the decline of traditional jurisprudence. He then summarises the four movements, law and economics, critical legal studies, feminist legal theory and law and literature, which have had profound impact in the 1980s and 1990s. The influence of these movements in shaping current debates about law and adjudication are evaluated. The author concludes by offering some thoughts on the state of jurisprudence at century's end.

Beyond cut flowers: developing a clinical perspective on critical legal theory

P Goldfarb

43 *Hastings L J*, 4, April 1992, pp 717-748 *

In her essay, Professor Goldfarb examines the relationship between clinical legal education and critical legal theory. She highlights the resemblances between the two movements while elaborating a clinical educator's perspective on and critique of some of the ideas associated with critical legal studies. Critical legal studies is associated with "rule scepticism" and clinical legal education with "fact scepticism", but both are engaged in theoretical deconstruction and aim to generate social change. The author argues that much of clinical legal study is inconsequential, whereas clinical education theory is better able to test the value of critical theory's insights and use them to effect change.

The faces of law in theory and practice: doctrine, rhetoric and social context

R Boldt & M Feldman

43 *Hastings L J*, 4, April 1992, pp 1111-1146 *

Although the Realist critique of Langdellian educational practice has been widely accepted, Professors Boldt and Feldman demonstrate how the impact of this critique is minimised because of the disjointed way in which it is presented in the classroom. They offer an account of an integrated reconception of legal doctrine. They describe their attempts to break down the barriers in legal education and in the legal profession more generally by uncovering the doctrinal and rhetorical

strategies employed by actors within the legal system to disclaim the political dimension of law and to reinforce a sense of institutional powerlessness.

Intellectual authority and institutional authority

C W Collier

42 *J Legal Educ*, 2, June 1993, pp 151-185

The existence of intellectual authority as distinct from institutional authority is discussed. In law, institutional authority manifests itself as the doctrine of precedent. The tension between institutional and intellectual authority is particularly apparent when considering whether a precedent should be overruled. Heuristics (rules of thumb) and obedience are also examined as potential sources of institutional authority. Blind reviewing of legal and literary papers leads to the inevitable conclusion that even in the academic world, where intellectual authority should rule supreme, institutional bias is rife. The author concludes that justice demands a strict separation of intellectual and institutional authority, for the scholar and judge alike.

A moral appraisal of legal education: a plea for a return to forgotten truths

M P Ambrosio

22 *Seton Hall L Rev*, 4, 1992, pp 1177-1224

Legal positivism, which treats law as a system of rules separate and distinct from morals and justice, is the prevailing and current conception of law in legal education and theory. By failing to explore the connection between law and morals, law schools have marginalised that which should be at the core of their efforts - teaching of justice. The moral instruction gained in clinical programs and professional responsibility and jurisprudential courses, should be supplemented by constant resort to morality and justice in other courses. A review of the intimate link between law and justice in constitutional law, civil procedure, contracts, property law and criminal law is proffered. Law schools should be aiming to produce graduates that are qualified to and capable of, advising clients on the moral and ethical dimensions of their use of the law. To create morally and ethically astute graduates, reintroduction of natural law

theory is advocated. The writings of John Finnis and also John Rawls are especially appropriate for training law students in the method of moral analysis and natural law.

The deprofessionalisation of legal teaching and scholarship

R A Posner

[see Purpose]

The growth of interdisciplinary research and the industrial structure of the production of legal ideas: a reply to Judge Edwards

G L Priest

[see Purpose]

Plus ça change

P Brest

[see Purpose]

A response from the visitor from another planet

J C Gordon

[see Purpose]

Mad midwifery: bringing theory, doctrine, and practice to life

B B Woodhouse

[see Purpose]

Harry Edwards' nostalgia

P D Reingold

[see Purpose]

Judge Edwards' indictment of "impractical" scholars: the need for a bill of particulars

S Levinson

[see Purpose]

Students as teachers, teachers as learners

D Bell & E Edmonds

[see Purpose]

Lawyers, scholars and the "middle ground"

R W Gordon

[see Purpose]

The disjunction between Judge Edwards and Professor Priest

L H Pollak

[see Purpose]