sufficient attention paid to the training of lawyers. In particular, many professional legal training courses have been substantially revised and there appears to be a trend toward increased controls by regulatory bodies over professional training, articles and continuing legal education.

In Australia, Canada and England lawyers are required to complete three stages prior to being allowed to practise law: obtain an LL.B. degree; attend a professional legal training course (and examination); and spend a period of articles in a law firm or a court (except N.S.W.). In comparison, in the majority of the United States, the only educational requirement is an undergraduate law degree and the successful completion of a written state exam. The articling or apprenticeship component was abandoned upon the introduction of university education.

This article surveys a number of systems of professional legal training (including articles/ pupillage and practical legal training courses) in different countries and, where appropriate, the separate jurisdictions within those countries. The position is considered in all the provinces of Canada, England and Wales, only one of the states of Australia, New South Wales (in which there are indeed six different practical training courses), New Zealand and Hong Kong.

After a detailed analysis of the provision in these countries, the author concludes that after many years of differences, there are now many similarities. As more is learned about the different ways in which lawyer training is provided, new ideas can be tested and implemented to strive ultimately for the best form of education for lawyers.

PURPOSE

Narrowing the gap by narrowing the field: what's missing from the MacCrate Report - of skills, legal science and being a human being
C Menkel-Meadow
69 *Wash L Rev* 3, Summer 1994, pp 593-624

The MacCrate Report is to be criticised for what it says and also for what it doesn't say. The Report attempts a taxomonic classification of lawyering. It is over determined and rigid and at the same time incomplete. It presents a view of a lawyer as principally one who is a litigator, a means-end thinker who maximises an abstracted client's goals. By attempting to clarify and codify a view of the lawyer that can be taught in law schools, the MacCrate Report encodes a particular image or vision of a lawyer. A lawyer should be a professional with a wide range of skills, but also a human being who exercises judgment and cares for fellow human beings, both clients and the larger society. The MacCrate Report pays insufficient attention to the human aspects of lawyering - variously called the empathic, affective, feeling, altruistic, and service elements. The education of lawyers should deal with the cognitive, behavioural and experiential, affective and normative aspects of being and learning as a professional. As it stands, traditional legal education deals with the first of these over and above all others.

The MacCrate Report and Tony Kronman's *The Lost Lawyer* are both premised on the concern that the work of the law schools has strayed too far from that of the legal profession. What, however, is really appropriate in legal education is intimately connected to what ends and means the lawyer employs for what he/she will be doing. Langdell's view of law as a science and the Socratic method of law teaching are brought together in the MacCrate Report, as evidenced by the Task Force's attempt to specify a "Statement of Fundamental Lawyering Skills and Professional Values". By ignoring the likes of Karl Llewellyn and Jerome Frank, who thought it important that law be studied as a social science, the MacCrate Report focuses on the science of lawyering rather than exploring the human, emotional and empathetic side of the law. In this way it misses its mark.

The MacCrate Report creates a picture of the lawyer as a technocratic problem solver. The Report contemplates a lawyer as representing a single client and assumes a representational-litigation posture. The lawyer develops a plan or strategy on behalf of the client. The lawyer marshals evidence, gathers facts, devises arguments, does research, counsels clients about client decisions and negotiates with the other side. Kronman's conception of the lawyer is similar. However, Kronman's lawyer is inured with practical wisdom and judgment which consist as much of intuition, feeling and sympathy (affective aspects of lawyering), as reason and the science of lawyering. Kronman recognises aspects of lawyering that the MacCrate Report barely, if at all, mentions. The author concurs with Kronman's belief that the affective aspects of lawyering can be taught and learned.

The MacCrate Report fails to take into account the complexity of differing theories about both law and lawyering, preferring instead to use a "scientistic" deductive description for them. The author illustrates her argument by referring to three examples: client counselling, negotiation and dispute resolution.

The author's design for the educational program for 21st century lawyers would attempt a broader and less detailed vision of what a lawyer would need to know. The well-rounded lawyer of the next century will need to be proficient and competent in a much broader set of skills and competencies than the MacCrate Report has touched on.

Another "postscript" to "The growing disjunction between legal education and the legal profession"
H T Edwards
69 *Wash L Rev* 3, Summer 1994, pp 561-572

In a previous article in the Michigan Law Review the author expressed concern about law schools and law firms moving in opposite directions. In this postscript he now recapitulates his thesis.

Law schools should be in the business of training ethical practitioners and producing scholarship that judges, legislators and practitioners can use, rather than the abstract theory which many emphasise. Law firms have abandoned their place on the legal education continuum by pursuing profit above all else. The middle ground of ethical practice has been deserted. If law schools continue to stray from their principal duty of professional scholarship, the gap between legal education and the legal profession will grow and society will be the worse for it.

Law schools are not trade schools. Interdisciplinary studies do have a place within law schools. However, the primary consideration of a law school should be professional education.

The principal problem today is the lack of a healthy balance between "impractical" and "practical" teaching and scholarship. The former is both prescriptive, in the sense that it instructs lawyers, judges etc. on how to resolve legal issues but also doctrinal, in the sense that it gives due weight to the various constraining sources of the law, namely precedents, statutes and the constitution. The latter consists of abstract theory divorced from legal doctrine, that is from the authoritative sources of law that necessarily constrain the arguments available to the legal profession. "Impractical" scholars are often inept at teaching doctrine, either for lack of any practical experience, lack of interest in the subject matter, or both. They often have little sense of ethical problems in the profession, because often they hold practitioners in disdain.

The author offers what he considers to be the top ten list of the effects of the widening gap between legal education and the legal profession: faculty hiring at law schools is tilted towards impractical scholars; course offerings have changed dramatically; too little time and money is spent on written work, clinical training and ethics; we refuse to do any real cost-benefit analysis of what is useful in legal education; too many law professors hold the profession in disdain; too many legal academics view what practitioners and judges do as mundane and dull, while the obscure work of a new breed of scholars is viewed as richer and more complex; legal scholarship often does not aim to serve the profession; the advocacy seen by judges sometimes is horrendous; there is a growing inattention to the needs of the disadvantaged; and law schools do not really heed the views of practitioners.

The MacCrate Report's statement of goals is useful but it seems not to comprehend that there are many academics who would reject or ignore its goals because they do not view legal education as a form of professional training. To deal with these problems, the entire legal academic community must work collectively to find a middle ground where a greater number of practical scholars flourish alongside their theory-oriented counterparts in an environment of mutual respect. Both should contribute to an education for students that better prepares them for practice and both should share the fundamental belief that scholarship that seeks to inform and guide practitioners, legislators and judges is a valuable, indeed necessary, component of any law school's mission.

Education for a public calling in the 21st century
P A Haddon
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Good lawyering in the 21st century should be defined as a public calling which emphasises a professional obligation to promote equality in the legal system. Legal educators and practitioners should consider the kind of education which responds to such a calling.

In the last decade, alternative perspectives have risen within the