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
69 *Wash L Rev* 3, Summer 1994, pp 573-586

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

law schools illuminating hidden oppressive agendas against minority groups and women, both within the law itself and within the law school. This period has also seen the emergence of clinical legal education and a concomitant willingness of law teachers and scholars to connect theory and practice, challenging not only how we study but also how we practise. The entry of these new perspectives still leaves the problem of constructing an effective law school curriculum.

The MacCrate Report offers some direction in determining curriculum content, particularly with its Statement on Skills and Values. There is however a suspicion that the practising bar will support the statement to promote a standards-centred framework for legal education which will have the effect of discouraging intellectual diversity and removing the critical edge of the academy. Law schools have responded by reasserting their institutional autonomy to define the direction of legal education.

However, this focus on institutional autonomy can cause us to miss a critical opportunity to engage in serious reflection on how legal education can better contribute to the profession's conception of its public responsibility. Despite the diversification of legal services over the last sixty years the inequality of service and access to justice has increased. The MacCrate Report's vision of skills and values is built on the assumption that the client will pay for services. Whilst pro bono services to indigent clients have arisen in the past, there was little to suggest that the profession itself was affected in a way to induce a reconstruction or reformulation of its responsibility for the future.

We rarely teach our students to view the law as capable of influencing the distribution of societal power and resources nor do we encourage them to view the lawyer's role as reformist. Yet the notion of professional responsibility means that every person in society should have access to the independent professional services of a lawyer of integrity and competence.

Whilst the MacCrate Report recognises that the professional values that the profession need to survive into the 21st century include justice, fairness and morality, the author is concerned that neither the profession as presently conceived nor legal education as presently designed will equip the next century's lawyer to promote these values in the most effective or meaningful way.

A national institute, similar to the one envisioned in the MacCrate Report, would be a useful vehicle for addressing this problem. The constitution of the institute would not be limited to the legal academy and the members of the practising bar and would draw upon research and the practices of others who have thought about related professional concerns. Such an institute would provide a place for the cultivation of thinking about the legal profession's capacity to respond to issues of social justice and to clarify the values important to the practice of law in contemplation of a more "pro-active" role.

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RESEARCH

Today's law teachers: lawyers or academics?
P Leighton, T Mortimer & N Whatley
Cavendish Publishing Limited, London, 1995
[See Teachers]

Career intentions of Australian law students
C Roper
Department of Employment, Education and Training
Australian Government Printing Service, 1995
[See Career Paths]

Career intentions of New South Wales law students, 1994
S Vignaendra
Centre for Legal Education, 1995
[See Career Paths]

RESOURCES

[no material in this edition]

SKILLS

Law as rhetoric, rhetoric as argument
K M Saunders
44 *J Legal Educ* 4, December 1994, pp 566-578

Many lawyers lack a basic understanding of the structure and process of legal argumentation. This stems from legal education's failure to make these explicit and systematic. The intrinsic relationship between law and rhetoric offers a conceptual framework for understanding and learning legal argumentation.