

tive, students would get a significant dose of the clinical.

A clinical textbook could contain the following elements. First, the 'field-ground' of the standard casebook is shifted so that the client situation becomes the rhetorical forefront, while cases are placed in the background, as the 'library'. Secondly, the students are placed in the role of an attorney from the start and are immersed in the dialogue of practice. Thirdly, each chapter is organised around a client-centred story, rather than a single doctrinal area. Doctrine arises within the narrative. As in practice, a single narrative could raise several different areas of doctrine. Fourthly, a meta-story develops with characters appearing, re-appearing and interacting. Past events give motives for future actions and after a while, the students come to know the characters. Fifthly, the documents students would encounter in practice are incorporated into the materials (police reports, interviews, transcripts, instructions). Sixthly, students are required to apply case analysis to lawyering activities (interviewing, drafting declarations, court argumentation). At the end of the chapter, a 'vocabulary list' of concepts covered in the chapter may be provided.

A clinical textbook does not mean that students are short changed on theory nor does it mean that there is loss of coverage. The same points as in a traditional course can be raised — they are just brought out in a lawyering context. As for theory, the materials may require students to develop underlying policy rationales, recognise countervailing policies and then connect this analysis to their lawyering task.

Incorporating issues of race, gender, class, sexual orientation, and disability into law school teaching

O C Dark

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Issues of race, gender, class, sexual orientation and disability, or diversity issues as they are sometimes referred to, often enhance and broaden discussions in class and cause students to re-examine substantive legal doctrines. Discussion of diversity issues is relevant, important, challenging, and often rewarding. Those discussions, however, can also challenge a professor's ability to maintain the focus of the discussion, sustain a supportive and open classroom environment and, generally, prevent the discussion from degenerating into a brawl. Diversity issues can assist in revealing the limits of legal doctrines and, in some cases, how the doctrine itself undermines the overriding purpose or goals of the law.

Sometimes, one may choose to provide students with a hypothetical that raises diversity issues and more explicitly permits them to acknowledge and grapple with their own biased filters that affect the way they reach legal conclusions or construct an argument. There are many examples of how to raise or incorporate diversity issues in many courses like criminal law, contracts, torts, constitutional law, and even antitrust. The variety of courses suggests that diversity discussions can be integrated throughout the law school curriculum.

Part of the incredible effectiveness of today's legal education is the all-encompassing and all-consuming approach to indoctrination of the legal process. Students need to be immersed within the discipline to learn the explicit and implicit rules of the

legal process and doctrinal paradigm. For our students to construct or devise better solutions for the problems confronting our society today and tomorrow, they must be able to utilise all of the problem-resolving systems available to them. Another example of the use of an alternate problem-resolving system is illustrated by the development of a legal theory for sexual harassment in the workplace. MacKinnon is credited with identifying and developing this theory, which is based on the experiences of women who typically occupy inferior job positions and job roles. There was no law on sexual harassment as a form or type of gender discrimination. She used an alternative approach to begin constructing a legal theory to address this serious problem. If MacKinnon had relied solely on existing legal authority, she would not have been able successfully to devise the arguments that ultimately prevailed.

Exploration of diversity issues will better prepare students for a more diverse and multicultural society facing us all in the twenty-first century. A multiple-perspectives approach enables students to develop more effective arguments on behalf of their clients. Furthermore, students with such an approach may be more able to identify and respond to lawyers who employ conscious, purposeful discrimination as a strategy for success.

The introduction of diversity issues may require the use of materials from other disciplines, such as studying newspaper articles in a given city to identify images of poor women in the welfare system or using social science studies on the effects of racial slurs on targets and non-targets. Once students use a multi-disciplinary approach to evaluate or diagnose a prob-

lem, more complete and varied solutions are likely to result. Sometimes the solution may be not to resolve the problem exclusively through the judicial system.

What kinds of risks does a professor take when he or she decides to 'talk diversity'? First, there may be racist, sexist, and homophobic people in the classroom. In fact, everyone is at varying levels of bias — realisation and actualisation. Secondly, some students will be uncomfortable with a discussion about diversity issues no matter what the teacher does to create a supportive classroom environment. Students may complain about a multiple-perspectives or diversity approach because it could increase their reading load. Too much of a focus on difference might increase tensions in the classroom. Students and the professor might be uncomfortable and feel awkward. Furthermore, some students view these issues as entirely irrelevant to the law. There is also the perpetual concern that a classroom discussion might deteriorate into a heated emotional debate that will get out of control.

At least seven essential points will greatly assist a teacher who deliberately plans to incorporate issues of race, gender, class, sexual orientation or disability into the teaching of legal materials. These are — Relationships, Relevancy to the Legal Analysis or Process of Lawyering, Listening, Methodology, Humor, Handling Silence, and Preparation.

Developing a relationship with the class should occur at two levels — the individual students and the group. Naturally, it is important to convey your respect for the student in as many ways as possible. Ultimately, teachers who pay attention to and work on developing positive, respectful, and open relationships with their

students on individual and group levels will have classroom environments in which students can and will take risks. Some refer to this as creating a safe environment for students.

One should be careful that when raising these issues they are related to and designed to advance the discussion in a material way. Unless discussion is used in connection with legal theory, doctrine or practice, this discussion is best left to another forum.

In recent years, academic support scholars have published articles and conducted workshops about the importance of using a variety of teaching methodologies to maximise learning in the classroom. The reason for adopting such an approach is that students have a broad range of different learning styles. This point is vital when raising issues of diversity. Frequently, a teacher may need to employ materials such as historical documents, social science data or the briefs in the case to set out properly the context for discussion of any one or more of these issues.

Diversity issues can be raised across the law school curriculum and are not necessarily limited to only certain areas of the curriculum, like courses on civil rights, gender and the law of domestic relations. Extensive outside research is not necessary to raise diversity issues. The issues appear in some casebooks by virtue of the author's choice of cases and notes. In addition, some casebooks have included materials other than cases to support a professor's choice to raise these issues. Articles, of course, could be assigned that will provide students with another critique on legal norms that often appear neutral. Narratives and autobiographies are also powerful tools for communicating the outsider perspective to someone who has no experience on which to draw.

The need to integrate issues of race, gender, class, sexual orientation and disability into the law school curriculum is important at this moment in legal education. One needs to think broadly about the missions of the institutions and how the discussion of diversity issues will assist in achieving those missions. Incorporating diversity into the curriculum is an appropriate direction for law schools and one that will greatly enhance the students' abilities to be effective lawyers and leaders within our communities.

A 'black hole in legal education': research into learning materials for law students

C Little & P Leighton
with T. Mortimer

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As law teaching professionals we are faced with the need to respond to change, the need to ensure our courses are well supported by learning materials and that these materials are relevant, appropriate and of good quality. These materials ought to be available in libraries and there ought to be a synergy between law teachers, law libraries and law publishers. We should not be aiming to teach law courses unless they are well supported by learning materials readily available in libraries or available to students in other ways. However, although law teachers consider libraries and learning materials very important to their own work, relatively few are prepared to play an active role in developing library resources.

A study was launched in 1996 into learning materials for students. It aimed to shed some light on the process whereby law teachers select and recommend various types of learning materials to their students. It was pos-