fessors can help students to assimilate new concepts into students' existing knowledge networks. Building on students' laymen terminology for legal terms builds a firm foundation for students to integrate their prior knowledge with new vocabulary. Integrating new knowledge with prior knowledge networks places fewer demands on cognitive capacity. Piaget called this process assimilation.

Cognition research findings support the proposition that more learning occurs when one builds on existing novice networks. The author provides concrete examples of how cognition research can provide a model to inform business law teaching. She also describes an experiment she designed to test whether restructuring syllabi around students' prior legal knowledge would result in students achieving on a par with students whose course was organised traditionally around the topics presented in the text. Achievement in both conditions was measured by using a pre-post test design and a post test performance comparison across a control and an experimental group. The results are presented and analysed.

Traditionally organised law classes appear less effective in strengthening, elaborating, and restructuring students' legal knowledge networks for application to business contexts. Student knowledge-centred law classes are organised around students' existing knowledge networks. By using students generated cases, problems, and examples, class and study time can be devoted to created multiple connections among students' prior knowledge organisation and problem solving strategies with new legal issue spotting and analysis strategies. The student knowledge-centred approach prepares students for transferring concepts learned in prior cases to examine and analyse novel contexts.

Since the long-term goal of legal studies classes is to prepare students to recognise and prevent legal problems from arising in business contexts, courses organised to build cognitive bridges between formal legal training and application to real world settings serves students' long-term needs.

INSTITUTIONS & ORGANISATIONS

The professional responsibilities of professional schools

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Law schools have a distinctive responsibility to examine both the public life that law helps constitute and the professional life of those who help constitute law. Underlying the current professionalism crusade is a pervasive discontent with legal practice. Law schools are insulated from much of this disaffection. Professionalism issues receive little systematic attention in today's curricula. Rather, the vast majority of law schools relegate almost all the discussion to a single required course, with the rest of the faculty treating professional responsibility as someone else's responsibility.

Moreover, an excessively doctrinal framework leaves out many of the crucial issues facing the legal profession: inadequate access to justice for low and moderate income citizens; disciplinary processes that provide no effective remedies for most complainants; excessively adversarial norms that escalate costs for parties and devalue the interests of non-parties; and practice structures that pre-empt other commitments to families, communities and public service. Neither these problems nor other common ethical dilemmas receive significant attention outside of professional responsibility courses.

Our failure to make professional responsibility a professional priority has multiple causes, but faculty reluctance is surely high among them. Part of that reluctance reflects scepticism about the value of discussing values in professional school. Such concerns are not without force, but they suggest reasons to avoid overstating our influence, not reasons to abandon our efforts. Research on ethics education finds that moral views and strategies change significantly during early adulthood and that well-designed courses can improve capacities for moral reasoning.

For some faculty the greatest obstacle to covering legal ethics material involves doubts, less about its effectiveness than about their own. Many are uncomfortable when venturing into value-laden discussion. The dilemma is real, but the answer is not to avoid the ethical issues that present it. To make professional values central in professional schools requires a significant institutional commitment. The conventional approach – add ethics and stir – is inadequate to the task.

A similar gap persists in law school pro bono policies. In 1996 the ABA amended its accreditation standards to call on schools to encourage students to participate in pro bono activities and to provide opportunities for them to do so. Over 90 percent of institutions offer voluntary programs, but their scope and quality vary considerably. About a third of schools have no law-related pro bono projects or have projects involving fewer than 50 participants per year. That lack of involvement persists among practitioners. Bar ethical codes have long proclaimed that all lawyers have obligations to assist individuals who cannot afford counsel. And attorneys who have assumed those obligations have made enormous contributions to the public interest. Yet the proportion of lawyers who contribute has remained dispiritingly small.

What legal education could or should do to expand such public service commitments is subject to increasing debate. While most lawyers acknowledge that access to legal assistance is a fundamental interest, they are divided over whether the profession has any special responsibility to improve that assistance and, if so, whether the responsibility should be mandatory. There are benefits from pro bono programs that critics fail to acknowledge, and those benefits extend to law students and teachers as well as lawyers. For example, these programs provide many participants with their only direct knowledge of how the system functions or fails to function for the have-nots. Pro bono work also offers lawyers and law students a range of practical benefits, such as training, trial experience, and professional contacts. Law school pro bono programs serve an equally significant purpose: they may encourage public service by practitioners.

A profession truly committed to equal justice under law has other responsibilities beyond public service and professionalism initiatives. Lawyers' pro bono contributions cannot realistically come close to meeting the nation's vast unmet legal needs. These unmet needs raise fundamental questions about the structure of legal education and the delivery of legal services. Too many students now graduate both over-prepared and under-prepared for key lawyering roles.

A related professional responsibility of professional schools is to ensure equal opportunity in access to legal education as well as to legal services. Over-reliance on quantifiable admission criteria, such as grades and test scores, has served to exclude a disproportionate number of minority candidates. To ensure adequate representation of students of colour, law schools need admission criteria that more adequately reflect the full range of talents required in legal practice. They also need more effective treatment of issues related to race, gender, ethnicity, and sexual orientation throughout the educational experience. In the core curricula of many law schools what little analysis occurs looks like an after-thought – a brief digression from the 'real' subject.

Until recently few of these professional responsibilities were understood as responsibilities, even in principle, let alone in practice. Professional ethics and diversity-related issues were notable largely for their absence. At many institutions, the number of students and faculty of colour did not even reach token levels. But recent progress should not mask the need for fundamental change.

Faculty pro bono and the question of identity

D Luban

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Law teachers and law schools have the same pro bono responsibilities as lawyers and law firms, where 'pro bono' means something more particular than community service of civic involvement. 'Pro bono' is free or reduced-rate legal work for those who cannot afford to pay for it. The pro bono thesis is that law teachers and law schools have pro bono responsibilities in this sense.

What are those responsibilities? Four issues stand out. First is the question whether the pro bono standard should be mandatory. Early drafts of the ABA's Model Rules of Professional Conduct imposed a mandatory requirement, but it was withdrawn in the face of withering opposition and replaced with a rule that is merely precatory. Many lawyers and scholars have argued over the years for mandatory pro bono. But mandatory proposals have always met with hostility and the prospects of mandatory pro bono are dim.

The second point of contention is how broadly the concept of pro bono should be understood. Many lawyers consider to be pro bono any reduced-cost law-related work, like service on bar committees, that discharges their responsibility. Donating legal expertise to any worthwhile cause or client is commendable, but it is hard to see why lawyers have a moral responsibility to provide free service to clients who could readily pay for it. The pro bono obligation is predicated on need.

Third is the question of how much pro bono is enough. Any number of hours chosen is arbitrary but to revert to a rule that specifies no minimum amount provides insufficient guidance and comes close to no obligation at all. Fifty hours per year, which amounts to an hour a week, seems like a feasible request.

Why should law teachers meet the obligation of pro bono work? Law teachers are, by and large, lawyers. To many, nothing about this is obvious. It is not obvious that academic lawyers are lawyers in the sense contemplated. Supporters of pro bono usually offer two reasons why lawyers should perform it: first pro bono service is a tradition of the bar; the second is that there is a tremendous need for pro bono. But appeals to tradition are never more than half-arguments. Legal need, at any rate, is genuine. But need also is only a half-argument because need by itself cannot impose obligation.

What makes lawyers unique is the law in itself. Lawyers, unlike pharmacists or grocers, earn their living by, in effect, vending the law, and in a democracy law is a product of the community, operating through the mechanism of the state. The state grants lawyers oligopoly privileges in the form of unauthorised practice rules and it does so in a less formal but more fundamental way as well. The point is to