

promotions, and related workplace decisions. Political scientists, on the other hand, have documented order effects in voting.

The workplace may sometimes operate with alphabetic order exerting some influence on decisions for which an employer either gets relatively little information about applicants or has no strong preferences among a pool of candidates with similar qualifications. On the other hand, when more information is available or when it is important to select the most qualified applicant, order effects seem to disappear. Further exploration of these effects could enhance understanding of workplace patterns.

Deconstructing the rejection letter: a look at elitism in article selection

D Subotnik & G Lazar

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Consider the student law review editor who rejects an article ostensibly because of deficiencies in the author's legal reasoning. Might the real reason be political? Imagine that the editor represents a highly influential law review and the author is an assistant professor who needs an acceptance by an elite journal for promotion. Notwithstanding assurances that it comes only after careful consideration, might rejection be a vehicle for reifying social and power relations which are characterised by domination? If so, might we not, using exam grading as a model, move to blind reviewing of articles?

Can critical legal studies help us evaluate the phenomenon of law review article selection? Not much, unfortunately, because of its reluctance to take its legal realism and Marxist roots out of the realm of high theory. Its successor movement, critical race theory (CRT), is less skittish. The charge that the law consistently favours the powerful in the distribution of benefits and burdens extends now to such diverse concerns as free speech, immigration policy, welfare policy, employee rights, the criminal justice system and the tax structure.

This is not to suggest that CRT has won the battle over the law's non-neutrality. But surely it has won the battle for legitimacy in the law reviews. Twenty years ago, minority academics were excluded from the civil rights debate. Now hundreds of their articles appear in the law reviews, including the elite reviews and a large proportion of the articles are on CRT.

Just as in the criticalist view the law bolsters establishment positions, so the top law reviews systematically favour articles from authors (whether majority or minority) at high-status institutions (HSIs). If criticalists are right that institutions are designed primarily to extend the power of their founders, then it should follow that standards for their decision-making would be selected and applied with the same objective. Since articles by faculty from low-status institutions (LSIs) can ordinarily add little if any status value, one would expect such articles to be substantially disadvantaged in the evaluation process at HSIs. If this were the case, it would represent a major blow to any notion that law reviews, and maybe even law schools, function as meritocracies.

No generally accepted way to measure quality is available, because there is wide disagreement about appropriate standards. A heuristic has come into use to solve the problem of quality: placement of articles in the top journals. If editors at the top journals do not conduct blind reviews of submitted articles, then selection will likely be grounded to some extent on a basis other than quality. That the top law reviews in fact disproportionately publish in-house work is well established. CRT would predict that one inference that could be drawn is that the reviews are feathering the school's nest.

While no systematic study of law reviews shows conscious exclusion of faculty at LSIs, quite a lot of anecdotal evidence points in that direction. Several recent law review articles unabashedly rate law reviews according to the institutional status of their authors. It should not

be surprising that the most extensive study of the law review selection process concluded that the lack of blind review seriously compromises the credibility of the manuscript review process.

The notion that scholars' prestige should be taken into account in evaluations of their work is not indefensible. The reputation of an author, corresponding to a familiar trademark in markets for goods and services, is one criterion and not the worst. Readers, knowing Posner's work, may well be more interested in what he has to say on a particular subject than in the views of a less well-known scholar. But what is indefensible is giving points for such things as the author's academic affiliation or the number and length of footnotes. And the literature on law reviews offers little support for such practices. And yet, unless one simply assumes that LSI authors do not have what it takes, the prestige of an author's school is given considerable weight.

TEACHING METHODS & MEDIA

Situated learning and the management of learning: a case study

K Barton, P Mckellar & P Maharg

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Situated learning, focusing on the pragmatic and social aspects of learning, has as its basis the notion that learning is essentially dependent on the immediate situation of action. It is a strength of the theory that it supports a constructivist approach to learner-centred instructional design. Nevertheless, even a learner-centred theory, such as situated learning, requires more if its product is to be successful in facilitating learning. Student learning requires management at every level: within individual learning activities, within a module syllabus and within a curriculum. It is essential for the success of embedded IT that instructional designers pay attention to learning management issues, that they signal the presence of