ensure that the benefits of law are distributed fairly, and that requires that no members of the community be excluded from the law. Other professions are not trustees in this way, because the community is not the source of their stock in trade; the community's role in other economies is merely regulative.

What does the trusteeship theory imply about law teachers? Most law schools take seriously the goal of teaching students professionalism. In recent years law schools have aimed to make legal ethics teaching more pervasive, that is, to include it in all of the curriculum as well as the professional responsibility course. Yet how can law faculties teach professionalism successfully if our own approach to pro bono is that law teachers will not touch it with a ten-foot pole? If law teachers seem oblivious to the hypocrisy in encouraging students to do something that, in both thought and action, they regard as irrelevant to their own lives, it must be that at bottom they simply do not see themselves as lawyers. This attitude is a form of self-deception and false consciousness.

There are facts about law schools and their connections with law firms that justify the view that both belong to the same law economy, the same system of mal-distributed legal services, and consequently the same network of pro bono responsibilities. First, within the larger law economy, law schools exist primarily as conduits to practice. This includes all forms of practice, public as well as private, criminal as well as civil. Conceptually, law teaching and scholarship have no special ties to private practice. But our role in the distribution of legal services is determined by the job market our graduates enter; and it is largely a market for private practitioners. Our role in the distribution of legal services mirrors rather than shapes the status quo.

Second, law teachers and law schools benefit economically from the oligopoly that private practitioners of law enjoy. Third, the community plays a constitutive rather than a merely regulative role in producing the good that lawyers vend.

Law teaching in and of itself does nothing to address the problem that many people and organisations cannot afford the legal services they need. For that reason, whatever its public-oriented virtues, law teaching is in no way a substitute for the kind of service that the pro bono thesis requires.

There is much law teachers can do in the area of pro bono services. Law teachers can assist in writing amicus briefs; moot lawyers arguing appellate cases important to low-income clients. They can serve as expert witnesses for no fee or a reduced fee. They can assist public interest lawyers with research and help in refining novel legal theories.

A law firm may discharge its pro bono responsibilities collectively, without every lawyer's doing pro bono personally – for example, by subsidising a pro bono department. The same thing is possible for law schools. Another way that faculty can help discharge their pro bono responsibilities through the institution of the law school is by supporting enhanced clinical programs. Steps like these require a culture of faculty pro bono in law schools and that will take time to develop.

The professional responsibility of professional schools to study and teach about the profession

D B Wilkins
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It is now fashionable to bemoan the increasing separation between the legal academy and the profession that it is supposed to serve. This criticism typically takes one of two forms. The first, represented by the ABA's influential MacCrate Report, argues that law schools are not teaching law students the skills they need to be competent and ethical practitioners. The second complains about the increasingly theoretical character of law teaching and legal scholarship. The law school of today, these critics contend, pays insufficient attention to the doctrinal questions real lawyers and judges face, and to the style of practical and analogic reasoning needed to resolve these problems. It is nothing less than an ethical failure by the legal academy to meet the legitimate needs of its three principal constituencies – students, the bar and society. If individual lawyers, the bar and the public are to emerge from this time of change with a legal profession capable of meeting the enormous challenges it now faces, then the legal academy must become an active participant in developing and transmitting the empirical and theoretical knowledge about legal practice that will allow us to construct a vision of legal professionalism fit for the twenty-first century instead of for the nineteenth.

Even if one could muster a plausible argument that law schools were justified in confining their instruction to teaching students how to 'think like a lawyer' in some bygone era, no such argument can be credibly advanced today. In the 'golden age', lawyers typically practised alone, often in small towns or cohesive neighbourhoods. The few who worked in law firms or other organisational settings encountered relatively stable career paths and senior lawyers with at least a professed interest in teaching their new recruits. Today's graduates can no longer count on any of these traditional forms of socialisation. What is needed is systematic and rigorous quantitative and qualitative research about the profession's institutions, or-

ganisations, norms and practices, and how each of these arenas of professionalism is evolving to confront the demands of an increasingly globalised market for legal services. This research should form the basis for a whole new kind of pedagogy.

Students are hungry for information about their future careers. The regular curriculum offers them almost nothing to satisfy their hunger. As a result, students typically learn about potential career from three sources: legal recruiters, the legal press and each other. Each of these sources is seriously flawed.

Law schools have done no better in fulfilling their ethical duty to the profession. Law schools' failure to study and teach about the profession is an affront to the academy's ethical obligation to the public. The main ethical responsibility of law schools, of course, is neither to students nor to the profession. It is to the citizens who depend upon law, and therefore derivatively upon lawyers, to provide a fair, coherent and efficient framework within which to live their lives.

The first obstacle to any research or curricular innovation is, of course, money. Doing the kind of fieldwork that would allow legal academics to reach meaningful conclusions about what is going on in the profession – interviews, surveys, statistical analysis, case studies – is expensive. But almost everything worth doing costs money.

Although most law professors have no formal training in empirical methodologies, there are many who do. Many more have become consumers of empirical work in their substantive fields and therefore have more than a passing knowledge of what goes into producing a useful study or analysis. Moreover, it is disingenuous to suggest that only faculty with sophisticated training in empirical research can produce useful scholarship about the profession. Case studies of legal organisations or practices provide an invaluable window into particular problems.

The first step is to hire faculty who have a serious interest in, and experience with, legal practice. Law schools are faculty-driven institutions. If a school does not have faculty with a strong interest in writing and teaching about legal practice, then no amount of exhortation by deans or alumni will produce the work.

There is no reason why a school cannot start closing the knowledge gap by trying to understand a discrete organisation or practice. Both business and public policy schools routinely create in-depth case studies of companies, agencies and individuals. Producing such studies serves a dual purpose for these institutions. First, the studies themselves provide an excellent vehicle for teaching students about the many factors that influence whether a given business or policy decision is likely to be successful. Second, the act of creating the studies keeps faculty connected to the world of practice in the areas in which they teach.

Finally, every law school can begin to study its own graduates. Law schools collect an enormous amount of information on their students and alumni. Virtually none of the data are systemically stored, analysed, and made available to students, alumni and faculty. Consequently, students know almost nothing about what their careers are likely to look like five, ten or fifteen years after graduation.

Fifty ways to promote scholarship

J Lindgren
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The main duty of a law professor is to create and advance knowledge. This is done both by teaching, which spreads existing knowledge 30 or so students at a time, and by scholarship, which ultimately adds to the knowledge of a few people – or rarely, of thousands or millions. The author provides a list of 50 methods that might be adopted to promote scholarship within a law school, categorised under five headings.

First, he proposes 20 ways of creating the intellectual environment of scholarship: the faculty should want to get better at scholarship; establish institutionalised lunch conversations; hold faculty workshops for people beginning their research; hold public conferences every year; have a full faculty symposium in the home law review and invite all of the faculty to contribute; hold an annual session on scholarship for untenured faculty; praise scholars at each faculty meeting; write individual notes to scholars when they publish anything substantial; create an associate dean for research; have the dean attend workshops and read scholarship; create a supportive environment; run the school for the junior faculty; have the junior faculty serve as workshop moderators; put the offices of scholars together and put them close to new junior faculty; create honorary titles; distribute offprints of articles; distribute a card listing recent scholarship of the faculty; partially take over the faculty's own law review; and make the faculty lounge an attractive place to visit.

There are eight ways to arrange time for scholarship suggested: give generous study leave; give junior faculty pre-tenure leave; offer special temporary fellowships with a semester off every year for five years; allow banking of courses; reduce the teaching load; reduce required courses; equalise credits per course to three credits for each course; and reduce the credits required for graduation.