tion for enhanced teaching skills. The Australian scholar, Andrew Goldsmith, in a very wide-ranging chapter 4, contends that law schools stand at the crossroads with respect to their relationships with their universities, the market forces converging upon them and the future of legal scholarship as traditionally conceived.

Joy Hillyer (chapter 5) provides a brief review of the history of professional legal education in England and Wales. She also suggests ways in which the future for vocational legal education can be divined by a reflective focus upon what lawyers are doing and likely to be doing in the future and how the opportunities for new partnerships between law schools and the legal profession can be seized. John Flood discusses in chapter 6 how the impact of globalisation on economies and societies can be characterised as the advent of a new imperialism and how this in turn will shape the future law school, as well as the law firms which the law graduate will enter.

The focus then moves to legal education beyond the shores of the United Kingdom. Olgiati surveys (chapter 7) the policy on legal education in the European Community from a socio-legal perspective and with particular reference to legal professionalisation. In a chapter (8) with which those from other jurisdictions will be able to identify striking similarities with their own situations, Thomasset and Laperriere look at the troubled relationship between the law schools and the Bar in Quebec, Canada, and how the latter exercises professional domination over the former through the confinement of legal training and research.

Finally, in the concluding chapter (9), Julian Webb weaves together a number of the separate threads defining the socialising role of the law school, namely the liberal education push, the legitimacy of a role for law schools in producing good citizens and the tensions generated by globalisation. He suggests that out of the recent history of unparalleled activity and upheaval for legal education has emerged significant shifts in educational thinking and practice, namely, from elite to mass provision, from the highly structured to the flexible curriculum, from content to process and from classical liberal to performance-based outcomes. He warns that underlying these developments is the power of the market and its attempts to commodify education as a symbolic good.

This is an interesting and thought-provoking collection of essays, distinguished by a diversity of themes and issues, as well as a scholarly approach. They each aim to delineate the future role for the law school by identifying the social influences that are currently in the process of crafting that future. However, it is unfortunate that, by and large, they each stand in isolation the one from the other. It is a pity that the editor did not consider it to be part of her role to contribute a concluding chapter in which she made an effort to analyse and synthesise the common themes that emerge from the authors in order to paint a composite picture of that future.

Editor

PURPOSE

Pro bono or partnership? Rethinking lawyer's public service obligations for a new millennium

L White

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In October of 1999 the Association of American Law Schools released *Learning to Serve*, the final report of its Commission on Pro Bono and Public Service Opportunities.

On the one hand, the report sets forth a dynamic vision of public service as partnership with low-income individuals and communities. In this vision, public service is not an add-on to the lawyer's regular workday. Rather, service is integrated into the very core of the legal profession's practice norms. At the same time, the report sets forth a different vision, in which the core of the lawyer's public service responsibility is individual voluntary pro bono representation of 'indigents' in intense but brief routine matters. This is an old pro bono model. The world has changed a lot since the early 1990s, when that model emerged. Unlike a century ago, our profession now endorses normative commitments to race and gender equality, within our professional roles and institutions and in the world at large.

Partnerships in public service are getting created in many law schools. Throughout its report, the Commission points toward this emerging model. According to this model, students go into low-income communities prepared to listen, to engage in self-reflection and then to join hands with others so that both partners may be opened up by the difference between them and changed for the better. A consensus of best practice is emerging in university and law school public service initiatives that embrace this idea of service as partnership rather than charity. The Commission's report gives many examples of law school projects that are based on a partnership model. But, at the same time, the report's text and recommendations seem, repeatedly, to lapse back into an older way of thinking about how professional service opportunities, in law firms as well as law schools, should be designed.

The old model that conceives of the lawyer's public service responsibility as pro bono representation emerged early in the twentieth century, when the legal profession's ethical self-identity was consolidated. Changing gender roles, changing race norms and changing immigration patterns mean that the old pro bono model is less suitable for lawyers' public service obligations. Even without the added burden of pro bono obligations, lawyers with care taking responsibility are squeezed for time just keeping up with the excessive number of hours a week they are expected to work for pay. The profession's public service obligations need to get done while the day-care centres are open. In firms, lawyers need to have this work counted and credited in their billable hours. In law schools, teachers need leave time from teaching to supervise students' public service activities. Students need academic credit or pay or other official rewards for the hours that they spend on public serv-

ice activities. This is critically important to ensure that students with family care taking obligations or financial pressures, who are often from low-income backgrounds, will not experience public service as an added source of what is often already significant stress.

The one-shot pro bono lawyer, particularly in large cities, is likely to draw many clients from groups that present special challenges to their lawyers. For example, low-income African-American clients are likely to have experienced multiple instances of racial discrimination, harassment, and violence over the course of their lifetimes. One way that white lawyers routinely fumble interactions is to treat their clients with the kind of paternalism that comes from naivety or discomfort. Most law students have to work hard to become aware of the paternalism and class privilege that is embedded in their language and demeanour. They have to work hard to learn how to use the skills that they are learning as lawyers without insulting or infuriating their clients.

Another challenge to the one-shot pro bono encounter goes in the other direction. There is a risk that not just the client, but also the student lawyer, will go away from the experience feeling unsatisfied and disappointed. When the client in a one-shot encounter fails to meet the student's preconceived expectations, the student often feels betrayal, bewilderment, or even outright hostility. Even under intense supervision in clinical settings, student lawyers struggle to let go of their sense of entitlement to instant satisfaction from working with low-income people.

The final risk with the one-shot pro bono model is that students will walk away from their experiences not just bewildered and dissatisfied but with angry feelings toward low-income people. Rather than coming away from their public service experience inspired to live a life of service, they run the risk of coming away with their own personal experience to cite as authority for punitive social policy responses to extreme poverty.

Do these risks mean that we should keep our students away from low-income communities? Of course not. But they do mean that we can no longer take for granted the old model of individualised voluntary pro bono representation. We need to think hard about whether we want to inculcate that model in our students, particularly if we seek a profession that aspires to gender and socio-economic justice.

SKILLS

In re MacCrate: using consumer bankruptcy as a context for learning in advanced legal writing

S L DeJarnatt

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Judges and the practising bar, especially potential employers of law students, criticise law schools for failing to prepare students to function as lawyers. Some scholars view the traditional methodology as distancing and disrespectful of female and minority voices. Scholars of learning theory insist that one approach to learning cannot and will not be effective for all students. Others are concerned that traditional Socratic teaching has been insufficiently effective in instilling professional responsibility, ethics, or a sense of service. Even those who defend the Socratic method for its efficacy in teaching analysis concede that law school curricula should also encompass other teaching methodologies, including upper-level writing and clinical offerings.

In the MacCrate Report, the American Bar Association weighed in on the debate. The original purpose of the ABA Task Force was to address the perceived gap between the legal profession and academia - a perception that the Task Force found to be somewhat distorted. But the Task Force ultimately determined that its most essential task was to identify the fundamental skills and values that every lawyer should acquire before assuming responsibility for the handling of a legal matter. The report also stressed the need for further effort to teach writing at a better level. Much criticism has been directed, appropriately, at the traditional curriculum's disdain for the teaching of legal writing as a central part of legal education.

The Consumer Bankruptcy course is designed to address the critiques that traditional pedagogy does not effectively prepare students for the ethical and competent practice of law. By working through the fact investigation, legal research and drafting common to a consumer bankruptcy, using a simulated case file, the students develop their lawyering skills while learning substantive law. The course stresses the skills identified in the MacCrate Report as essential to the profession: problem-solving, analysis and reasoning, legal research, factual investigation, communicating, counselling, negotiation, litigation and alternative dispute resolution, organisation and management of legal work, and recognising and resolving ethical dilemmas. The course requires the students, through simulation of a typical consumer bankruptcy case, to develop and employ each of these skills, giving primary emphasis to those skills most fundamental to legal writing - problem-solving, analysis and reasoning, legal research, and communication - while they learn the fundamentals of consumer bankruptcy law and practice.

It is crucial for students to develop their analytical skills though lawyering as well as through scholarship. They should not let their 'practical' writing skills atrophy over their law school years, only to be dusted off in the summer or in their first lawyer jobs. They need to build on the foundation of their first-year legal research and writing course by continuing to learn through writing in varied ways in their upper-level courses.

Certainly writing opportunities can be expanded by including writing in traditional courses. Innovative programs integrate skills sections with substantive courses. Clinical courses can be designed as writing courses. In such a course, however, the clinic's responsibility to the clients must drive the writing assignments; they cannot be designed purely around the teaching goals. A simulation cannot fully