responsibilities to children, a spouse, or aging relatives at times faces hard choices between attending to familial duties and devoting time to teaching, scholarship, or law school service.

A second category of potential conflicts is between a teacher's law-related outside activities and core professorial functions. Such activities present the greatest possibility of being harmonised, but also the greatest potential for genuine and serious conflicts.

Law teachers are increasingly asked to provide commentary on the law for media outlets. This involves potential conflicts of interest, however, which have been well recognised. Faculty who serve as commentators must also pay special attention to time conflicts created by doing too much commentary at the expense of other core functions. However, a teacher who engages in work as a legal consultant or expert witness gains exposure to aspects of law and lawyering otherwise closed off to academics. That can benefit the teacher and the teacher's constituencies by providing insights that can be brought to bear on both teaching and scholarship.

A third category of potential conflicts results from clashes between core professorial functions, such as conflicts between teaching and scholarship or scholarship and service. A fourth category of potential conflicts is clashes of interests within a single core function. Teachers owe certain duties to all of their students and may face conflicts between duties owed to two or more students. This may occur inside or outside the classroom. If a professor has some relationship with a student (even aside from the sexual kind), then fairness in evaluation and a perception of fairness may be impaired.

Only those conflicts that create a reasonable probability of material impairment of the competent performance of a core professional function (the instrumental concern) or that spring from inherently wrong or unprofessional activities (the intrinsic concern) should require any remedy.

Perhaps the most desirable way to deal with potential professorial conflicts is to avoid them by harmonising them – by turning them into congruent nonconflicts. This response will be appropriate only for conflicts implicating instrumental rather than intrinsic concerns. Only by identifying, prioritising, and harmonising choices of things to do can busy professionals achieve high competence.

Where harmonisation is not possible, the next-best option for many potential or actual conflicts is disclosure. When a conflict is problematic only because of instrumental concerns, disclosure is often an appropriate cure. The proper content of a disclosure will vary depending on the circumstances. This would seem a useful guideline for professorial disclosures as well. That is, adequate disclosure generally consists not only of an identification of the conflict but also some explanation of the reasons why the conflict may be detrimental to the person to whom disclosure is being made and mention of any options that person has other than accepting the conflict.

At times, even complete disclosure of a potential or actual conflict and its ramifications is insufficient to eliminate its negative effects. This may be because the conflict implicates intrinsic concerns and by its nature cannot be cured by disclosure, or because the disclosure cannot restore the teacher's ability to perform core job functions competently. In such situations, forbearance is the most appropriate response.

In summary, while there are very few professorial conflicts that require categorically the academic version of refusal or withdrawal, there are many kinds of conflict that can be avoided only if faculty voluntarily avoid engaging in any activities to such an excessive degree that basic competence in any core function may be impaired or called into question. Law professors are a powerful, privileged group. With power and privilege comes responsibility.

LEGAL PROFESSION

Bringing *The Practice* to the classroom: an approach to the professionalism problem

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In the 1980s many leaders of the organised bar and a few academic commentators began to complain that the legal profession was in a decade-long process of losing its professionalism. As the dialogue grew, there were disagreements about whether anything was lost; if so, what is was and whether it was worth finding. Nevertheless, concern about the 'professionalism problem' has kept the profession in an uproar for close to 20 years.

Three observations seem beyond argument: there has been a dramatic diminution over the last 20 years in the time practising lawyers spend tending to the acculturation of new lawyers into the profession; the organised bar has focused on law schools as a primary resource for solving the professionalism problem; and the faculties responsible for law school curricula have not thought much about professionalism, have not agreed about the existence or the nature of the problem when they have thought about it, and would have little idea of what to do if they could agree.

The organised bar continues to look to the legal academy to be a major force in solving the professionalism problem, despite the different perspectives on professionalism and the growing perception of increased separation between legal practitioners and the legal academy.

Professionalism receives hardly a mention in law school courses other than Professional Responsibility. To be sure, professional responsibility instruction has done no better. Despite a sustained professional lobbying campaign to infuse professional responsibility throughout the curriculum and at least one text designed to facilitate that, the pervasive approach is pervasive only in the long list of schools in which professional responsibility remains locked in a single classroom. The reluctance of teachers to address profes-

sionalism, either because they know their captive PR students will not respond to it or because they are not willing to sacrifice any part of their syllabi in other courses, is not the only impediment to the introduction of professionalism into the curriculum. Most law faculty do not have extensive practice experience. This is particularly important for those approaches to professionalism that focus on the structure of the world students will enter and the lives they will lead in it.

Bringing the practice into the classroom always has been a struggle for legal education. Courses that focus on nondoctrinal or nontheoretical professional preparation have always awakened the law school identity crisis between academy and professional training ground. Experiential learning courses, designed to give students opportunities to be lawyers, with occasional forays into professional responsibility, are unlikely to leave much room for the more general, less immediate consideration of professionalism.

The task in teaching professionalism is to bring the practice into the classroom for the sole purpose of sparking the students' interest in professionalism and, inevitably, professional responsibility. Though long disparaged as classroom distractions, war stories and dramatic representations of practice are what studies need if they are to appreciate the issues in the life of a lawyer.

The television series The Practice tells realistic stories about the lawyers in Bobby Donnell's small criminal defence/plaintiff personal injury firm and those lawyers that interact with them. The emphasis on the ethical, moral, and personal issues in the early episodes was pointed. Those brooding episodes make the early episodes of The Practice the perfect vehicles for thinking about, discussing and beginning to understand professionalism.

Professionalism was once accomplished after law school with the assistance of older lawyers or by experience in a relatively slow-moving occupation that gave time for reflection and understanding of the public enterprise and the lawyer's responsibility to it. The current size of the profession and the importance of the bottom line, among other factors, have erased those opportunities except in the rarest of circumstances, leaving the acculturation process to happenstance or to the law schools.

The course based on The Practice attempts to fill the gap left by the profession. It does not fit the description of any typical law school course. It is a combination of research seminar and clinical externship, presented through a modified simulation method of instruction. A 'virtual' experience of practising law in the classroom with the fictional lawyers of The Practice provides the context, the structure, and the issues for the course. The simulated law firm is an attempt to create a learning environment that will encourage students to step out of their law school lives and into the lives of lawyers.

Everything the students do and think about in this simulation course, both professional and personal, is recorded in their journals. Early emphasis on the journals as personal diaries, and not just a record of the students' activities as lawyers in the firm, is part of an attempt to convey the message that The Practice is as much about the future lawyers in it as it is about the profession they will enter.

It is impossible to overstate the importance of finding and creating course material that will help law teachers with little practice experience effectively raise and discuss professionalism issues with law students who approach the subject with no understanding or, worse, a misunderstanding of the context.

RESEARCH

A survey of pro bono activity by students in law schools in England and Wales
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Legal education is undergoing a period of transformation with a growing number of influential voices advocating that we alter the way we educate our future lawyers. Most recently the policy director of the Law Society od England and Wales has queried whether the current training process inculcates the necessary flexibility of thought and approach that will be required to survive in the twenty-first century.

Pressure for change is coming from many different sources: law students have increasing power to instigate change through their choice of the ever-increasing number of law schools, informed by various data including the publication of teaching quality assessments; the shift in funding criteria to include 'teaching quality' may mean that many law schools will re-evaluate their teaching methods and course content. Furthermore, as the profession confronts increased competition caused particularly by globalisation and the spread of information technology, it is demanding trainees and newly qualified lawyers who have already learned key legal skills such as problem solving, analysis, communication and client care which traditionally were acquired during the training contract or pupillage and the first few years of practice.

A way of meeting the challenges facing not only legal education but also the profession may be through student participation in pro bono services.

In July 1999 the Solicitors Pro Bono Group (SPBG) launched an initiative to encourage widespread involvement by law students in pro bono work with the aim of establishing a commitment that will continue through their professional lives. In order to inform its activities it was decided to conduct a nationwide survey into the extent and the nature of pro bono work in law schools and the barriers and perceived benefits.

In order to inform debate on legal education and to respond to the need for information about pro bono work in law schools, the main aims of the research were: to determine the extent of pro bono legal services carried out by law students in law schools and elsewhere; to determine the nature of pro bono provision in law schools and by law students elsewhere; and to identify the perceived or actual barriers to pro bono work in law schools. In order to achieve these aims a questionnaire was devised to ascertain the