for examinations in an essentially unguided way.

In sum, the case method/final examination system may be relatively effective at teaching 'analysis' in the sense of breaking complicated materials into many small discrete parts and stating legal rules that relate to such parts in a careful, precise way. But this system does not seem effective at teaching more sophisticated skills and habits such as those of 'critical analysis' or 'creation' or, in other words, the skills of reflective, critical and imaginative reading, writing and thinking about law. If the case method/final examination system rests on a mythological basis and has serious side effects, then there should be considerable virtue in decentring the system, in particular by reducing its powerful influence in the first- and second-year curricula.

The utopian law school created for the purpose of this essay may be referred to as the 'Reflective Law School.' The governing concept of this utopia is that law schools and legal education should primarily be sites of reflection, critique and writing about law and lawyering. The primary goal of both the education and scholarship produced at the Reflective Law School should be to engage law students, law professors, lawyers and other audiences in a process of reflective, critical and ethical reading, thinking and writing about law, the lawyering process, one's own legal work, and the law's relationships to the social lives of Americans. This would entail constructing courses that employ diverse teaching methods and forms of evaluation. In this process, for example, the problem method could replace the case method as the major technique in a majority of the basic first and second year courses; advocacy exercises would probably appear in many doctrinal courses; and — most importantly — many varied writing assignments, including taking practice and mid-term examinations, drafting legal documents and writing reflectively and critically about difficult issues, would supplement and in some instances replace the writing of solitary final examinations.

The Reflective Law School would also abandon or at least modify the final examination/ grading/class ranking systems of law schools in favour of more particularised evaluations of law student work.

Testing multiple intelligences: comparing evaluation by simulation and written exam
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8 *Clinical L Rev*, 2001, pp 247–288

Written examinations play a key role in legal education. The LSAT is the most important factor in law school admissions. Once students enrol in law school, exams are used to evaluate and sort first year students. At most American law schools, a single, end-of-semester or end-of-year, timed, written, in-class exam determines the grade in each first year class. Although exams continue to play a major role throughout law school, once students are sorted at the end of first year, it is often difficult for them to significantly change their place in the law school hierarchy. Written exams are not adequate assessment tools for law schools and present data exist which suggest that using both graded simulations and exams would better assess and promote the development of law students into lawyers.

Legal academia's reliance on written exams raises questions at all stages of the process, from student selection through graduation. Although the LSAT is a valid statistical predictor, it has serious limitations. The test can only predict a portion of the variation in grades. Like any statistical tool, its predictions are most powerful for the large group. The test offers progressively less information about smaller subgroups and is not equally valid for all subgroups. It tends to over-predict the success of white males and under-predict the performances of women and people of colour.

The same cannot be said for law school exams. Presumably, success in law school should have some predictive relationship to success in the legal profession. In stark contrast to the LSAT, however, there are very few data supporting or analysing the presumed predictive relationship between law school exam performance and lawyering. The studies that have been done are at best equivocal and some show no correlation between success in law school, as measured by grades, and success in the profession. This is a very difficult issue to study. While successful law students often go on to be successful lawyers, law students with strong first year grades also have significantly better opportunities than their less successful peers. Their relative professional success may reflect those opportunities, as much, or more than, their particular merit relative to their law school classmates, all of whom met the same narrow and well-defined admissions criteria. The profession is also full of lawyers who enjoy professional success but did not excel in law school.

One way to explore the relationship between law school exam performance and lawyering performance is to consider it in the context of the long running debate about the nature and testing of intelligence.

There is much criticism of traditional legal education and the doctrine-centric view of thinking like a lawyer. Although few defend the view that lawyers only need to analyse doctrine to be effective lawyers, some defend law school's narrow focus on abstract reasoning. According to this view, law school is the place to learn the central, or superordinate, abstract skill of applying general rules to particular cases — thinking like a lawyer.

Law school pays particular attention to logical-mathematical reasoning. Students are required to construct

abstract, logical arguments in the classroom and in their examinations. The stress law school places on logical-mathematical reasoning is understandable for at least two reasons. First, this is the intelligence traditionally associated with the single intelligence view. Second, whether or not it is the general intelligence of traditional theorists, logical mathematical reasoning plays an important role in the law.

There is a significant degree of independence among the various skills law students need to develop to become successful lawyers. Although some people show strengths across the full range of skills, many law students show more promise in some areas than in others. Law schools should help students understand their own strengths and how they can match their own profiles to the wide range of opportunities presented by the law. Specialisation and role differentiation is the reality of much of legal practice, yet law school pedagogy, particularly law school evaluation practices, reflect the aspiration to produce just one kind of lawyer, with all students being measured on a single scale.

One important step toward helping law students navigate our complex profession is providing more varied evaluation formats. The over-reliance on exams fails to identify the group of students whose simulation performance provides evidence of their indication of probable success in many lawyer roles. We now give most students very clear, early information about their weaknesses. For most law students, much of the end of first year and the beginning of second year is taken up with learning how for far they are from the top of the class and what that means about their prospects for the highest paying jobs and other high status positions. We might also try to tell our students about some things they are good at doing and, perhaps more revolutionary, we might begin to really value those talents.

If, for example, we accept that the personal intelligences are really independent, valuable abilities in the world, we might begin to prize skilful client counselling more than we do. If we coupled that awareness with an effort to identify our students' aptitudes in the personal intelligences, we could help students develop a professional role around their strengths. Students with those strengths might more often see direct client service as an important and challenging career, rather than a path for those who did not get jobs at the biggest law firms. We do our students, and the profession, a disservice by graduating many students who feel unrecognised, and were in fact not educated as well as they could have been, by their law schools.

CLINICAL LEGAL EDUCATION

The evolution of a community law and legal research centre: the UTS experience
D Barker
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An appropriate starting point for this article would be 'A Guide to Implementing Clinical Teaching Method in the Law School Curriculum', a project which developed out of a colloquium on legal education organised by the Law Foundation of New South Wales (NSW). This colloquium identified a number of initiatives, one of which was the proposal for a project that would assist Australian law schools lacking clinical legal education facilities and also the substantial number of law schools to be created.

It was with these guidelines in mind that the University of Technology, Sydney (UTS) Law Faculty embarked on the process for the development of a University Community Legal Centre. This article sets out the process which was followed with regard to the establishment of the Centre and the many problems which had to be faced with respect to the drafting of vision and aims, raising funding, provision of accommodation, staffing and the operation of a legal service by the Centre.

It was decided that it was preferable to incorporate Practical Legal Training into the operation of the Centre. In the shorter term, it was intended to include the Centre's operation in the LLB Undergraduate Skills Program. With regard to client groups, the intention was that the Centre would primarily cater to UTS students and staff.

The only service offered to the university community was a referral service undertaken by the UTS Staff and Student Union, in conjunction with two small local law firms. With proper exposure and shop-front accommodation, it was anticipated that the demand could exceed that experienced by the Union service. Eventually, as the Centre was opened to the wider community, it was expected that there would be no shortage of demand for the services offered. The fact that there was considerable demand by students for work places in which they could gain practical training and real legal experience was also taken into account.

It was envisaged that the management of the UTS Centre would ultimately rest with a Management Committee. This Committee would ideally be composed of the Dean, a number of academics and student representatives. It was assumed that all funding bodies would be represented in any management structure. Day–to–day operation of the Centre would be the responsibility of the Centre's administrator, augmented by regular and periodic meetings of staff.

It was proposed that the teaching element of the Centre's operation would constitute a subject in the Faculty's undergraduate LLB program. The clinical educational experience for students would be enormously advantageous. Under the close supervision of an experienced