learning and good lawyering; remaining present with the individual client is an essential part of cross-cultural competence; and knowing yourself as a cultural being is an ongoing and necessary process for cross-cultural competence.

In addition to awareness and knowledge, students need analytical and communication skills to allow them to engage in cross-cultural interactions competently. Intercultural communication skills include deep listening skills and capacities to focus on content rather than style, the ability to read verbal and non-verbal behaviour, and the ability to adapt conversation management behaviours and styles.

Cross-cultural analytical skills require capacities to identify assumptions and to make judgments based on facts, rather than stereotypes and bias. Most importantly, non-judgmental thinking is required to develop connection to and understanding of clients. Finally, in addition to identifying the cognitive and skill goals, teachers need to take into account the emotional needs of cross-cultural learners. Students need motivation to learn cross-cultural competence, capacity to live with conflict, and coping skills to manage the stress that comes from intercultural interactions.

How much time should a teacher allocate to the skills and knowledge of cross-cultural competence? Each teacher will answer this question differently depending on the overall goals of that teacher's specific clinic. Cross-cultural trainers are clear that a one-class session may raise awareness of cultural differences, but that true cultural sensitivity can only take place with practice and reflection over time.

In planning a cross-cultural class, a teacher should strive to develop awareness, knowledge, skill and motivation for learning in her students. Habits are a way to gain greater knowledge and awareness as well as develop skills essential to cross-cultural lawyering. They raise our awareness by causing us to pay attention to the significance of differences and similarities and increase knowledge by gathersing culture-specific information.

CURRICULUM

The happy charade: an empirical examination of the third year of law school
M Gulati, R Sander & R Sockloskie
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Three decades ago a coalition of academics and practitioners mounted a serious effort to do away with — or at least substantially modify — the third year of law school. The tide swelled for a time, but crested and fell on that immovable rock of opposition — the deans of American law schools. A full three years of legal education it was, and so it would remain.

Yet the rumbles of discontent have never really subsided. Students routinely complain about the vapidity of the final year of law school. Many schools have introduced externships — placing students in real-world, though unpaid, trainee positions — to allow a partial escape from conventional legal education. Most have introduced some measure of clinical education, diversifying the traditional curriculum. And scores of scholars, judges, and practitioners have written withering critiques of law school, usually focusing on the latter half of school and usually suggesting fairly fundamental changes.

The first year almost always focuses on key traditions of common law: torts, property, criminal law and contracts. The second and third years usually do not require but strongly encourage students to study another eight to ten areas of statutory and procedural law: corporations, family law, constitutional law, evidence, criminal procedure, and so on. Without a third year, students would not only be unable to complete these cornerstone courses; they would be unable to pursue particular subjects of interest through electives.

According to the Official Story, throughout the twentieth century law schools assumed that their mission was to produce attorneys with a broad understanding of the law. Defenders of the status quo can point to many signs that the system is working. Law schools and the legal profession have expanded rapidly over the past forty years; incomes have risen at the higher echelon of the law (and the stagnation or decline at the lower echelons has been relatively invisible); the number of law school applicants has generally risen (and so, consequently has the academic quality of those admitted); law school alumni are giving to their schools more generously than ever before, a pattern which some view as testimony to practitioners' high regard for the schools.

Under the Bleak Story, law school education is excessively theoretical and bears little relation to the real-world practice of law. Students enter law school full of enthusiasm and bright with hopes of bringing about changes in society. As their education proceeds, they are disillusioned by what they are taught in school and inexorably shift their hopes from social ideals toward jobs in the corporate sector. Resigned to working in corporate law firms, they find the prospect of those jobs — money aside — discouraging. The third year of law school is a brief reprieve before the sentence begins.

In the Signal Story, legal education serves a mostly symbolic and sorting function. Because the number of slots in law schools is limited, the requirement that students attend law school caps the potential number of new attorneys. Law schools are ranked, both informally and in the media. The single matter of school prestige is, for most students, the determining factor in choosing among offers of admission. The law school one enters

shapes powerfully one's employment prospects after law school. Thus, in the Signal Story, what one studies or what grades one makes in the last two years of law school are supremely unimportant because these have virtually no bearing on the job one will get after law school.

In 1997 the present authors sketched out a projected survey of third-year law students at 11 law schools. They suspected at the outset of the study that they would find third-year students not taking law school very seriously, but underestimated matters considerably. Among the third-year students who do attend class, there appears to be little engagement with course work. Ironically, most law schools devote the bulk of their teaching resources to upper-level courses. The average third-year class is far smaller than the average first-year class, and of course third-years have far more discretion when choosing which classes they will take. These factors might seem likely to simulate student interest and participation. But even among those students actually attending class and completing our survey, the frequency with which students volunteer comments in class seems remarkably low.

The profound disengagement of third-year students is a blow against the Official Story. The third year cannot be the culmination of legal training if almost no one is paying attention. According to the Bleak Story, lack of interest in the third year of law school is the natural consequence of an unpleasant, demoralising environment. Disengagement reflects alienation. Students feel that the only future for which they are being prepared and the only one from which they can hope to pay back their enormous debts is the world of the big firm.

The students in the survey seemed to have a different view of their future. 79 percent of respondents were on the optimistic side of a five-point scale when responding to the question, 'How optimistic are you that you will have a satisfying career after law school?' Third-year students' satisfaction with their decision to go to law school rates their optimism and positive views about their prospective employers higher than the Bleak Story projects. While it is true that law students often experience stress and some show symptoms of depression, these feelings are far from pervasive, and feelings of depression diminish substantially as law school progresses. The emotional well being, satisfaction and optimism of third-year law students are all relatively high. None of these results match the Bleak Story.

Thus far, only The Signal Story seems capable of explaining both features found in the mainstream third-year condition: substantial disengagement from school, but surprisingly high levels of satisfaction with both school and prospective careers. The Signal Story predicts that students believe the determinants of law firm hiring — especially at the big elite firms — are dominated by the hierarchical ranking of schools and students on the basis of easy-to-rank signals such as eliteness of law school attended and grades, not students' substantive knowledge or testimony from faculty about their character or promise.

The Signal Story holds up best against the data. Law school operates as a sorting and credentialling mechanism for students. A large percentage of students find law school to be excessively theoretical and feel that they could be better prepared to practise law. But this does not cause them to be dissatisfied with their schools. Every law school gives voice to the Official Story, or a close variant of it. But to a very large degree the substantive policies of law schools suggest a deeper belief in the Signal Story, and law school deans act in ways that encourage students to believe in it.

The results in this paper suggest that it is time to revisit the question of abolishing the third year of law school. One could imagine a revamped legal education that has as its core a mandatory two-year degree and a number of postgraduate options in specialised fields. Judging from their results and from informal discussions with students, the authors suspect that a majority of law students would support abolishing the third year.

Students are bored with the fare that law schools provide them in the third year. Most of the solutions discussed thus far try to remedy boredom through some variation on the clinical theme: bring students up against real clients. Alienation arises when students find the normative assumptions or the professional socialisation process of law school to be too narrow and constricting. The authors' recommendation is not that every school create a public interest program, but that innovative curricula can help students relate their own interests to the law school environment. By thinking about the student process of acculturation seriously, legal educators can ultimately make their student bodies more cohesive.

EVALUATION

The MacCrate report turns 10: assessing its impact and identifying gaps we should seek to narrow
R Engler
8 *Clinical L Rev*, 2001, pp 109–182

The year 2002 marks the tenth anniversary of the publication of the MacCrate Report. The MacCrate Report triggered a flurry of activity in the world of legal education. At various conferences, and in an array of law review articles, commentators analysed and criticised the Report and its recommendations, but also discussed strategies for the Report's implementation. As the articles and conferences reflected, at least some law