courses. General Law School, like most US law schools, randomly assigns its entering students to different sections of its entering classes. At the time this study was conducted, grading practices at General Law School were roughly comparable to grading practices at many US law schools.

The study was started by selecting the members of the eight groups of students who entered General Law during the fall terms from 1990 through 1997. Out of these eight groups, only students who completed all ten of the first year courses no later than one calendar year from the date that they started school were selected. After all the pertinent grading records were gathered, these were hand-entered into simple computer spreadsheets. After completing confidentiality procedure, various simple statistics were calculated. The data include a raw grade for each studied student in each studied class. These raw grades were expressed in numerical equivalents. The most important calculation was the determination of difference, if any, between the raw ranks and the z-ranks of the individual students.

There were two distinct but related hypotheses. First, that teachers in an individual school or department of the university would not for the most part define letter grades differently. Rather, they would more or less give the same grades, at least in similar classes. Second, that the effects (if any) of grading differences among teachers in the same department or school would for the most part balance themselves out over a period of time and a large number of courses. In other words, even if luck-of-the-draw grading occurred, good grading luck for the most part would tend to balance out bad grading luck, and vice versa.

The data refuted both of these hypotheses. Teachers in a single school in a single university gave wildly different grades, sometimes even within different sections of the same class. Further, teachers in this single school did this year after year after year, for eight successive years. Clearly, luck-of-the-draw grading was at work here even within a single part of the university. Further, and contrary to the initial hypothesis, grading luck did not balance itself out over time and repeated courses. Rather, at least at this school, and at least during the eight studied years, luck-of-the-draw grading differences produced dramatic and perhaps life-changing consequences for a large number of individual students.

Unfortunately, it is hard to know where to go from here. Obviously, studies similar to the present one must be conducted. They will demonstrate either that General Law School's experiences in connection with grade definition discrepancies are typical or that they are atypical. If the latter, then nothing need be done. But, if the former, then a pressing question arises. What, if anything, should higher education institutions do about grade definition discrepancies? Here, conflicting answers arise. Grading curves, one potential answer, often do not really solve the problem, if only because considerable grade definition discrepancies continue to exist at many schools even if the schools put curves into place. Indeed, grading curves solve the foregoing problems only if they contain very, very tight bands for the individual grades. Which leaves, essentially, the statistical normalisation process used in this study. Admittedly, this process produces only information about relative standings and tells outsiders nothing whatsoever about the objective quality of students' work. And that, of course, is a serious weakness of this process. On the other hand, this process does not require use of extrinsic academic factors and schools that use the process need not go through the political battle of determining which extrinsic factors should be used and how much weight should be given them.

The short of it is this. Because the statistical normalisation process described here does not provide any information about the objective quality of individual students' work, it surely is not a perfect solution to ranking-discrepancy problems. On the other hand, this normalisation process surely produces better results than most schools' present practice.

CURRICULUM

Legal education reform: modest suggestions
A Watson
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In 1999 and again in 2000 an upper-level course was taught at the University of Georgia titled The Western Legal Tradition — a course intended more to explain than to describe the patterns of development of private law. The examination was by an essay selected from a small list of possible titles. One of the essays had the title, 'American legal education is rubbish'. More students chose to write on that topic than on any other.

None of the students had anything good — not one thing — to say about legal education (though they did recognise that some professors were good teachers). More to the point, their criticisms were always the same. First, that first-year legal education was terrifying. Some teachers deliberately set out to intimidate students. More important, the almost universal so-called Socratic method left them with no guidance as to what they were supposed to be doing. They floundered, having no understanding, even after hours of study, of what was expected. Second, during the semester they were given no indication of how well or how badly they were performing. Yet all felt that their first-year grades would have a determinative impact on their early professional careers. These grades would certainly have a marked impact on their summer jobs: they would be the grades most noted by law firms.

Third, despite the availability of several clinics, law teaching was emphatically not geared to the practice of law. The students claimed to learn virtually nothing about being a lawyer. Fourth, after the first year, and especially in the third year, law school was boring. The terror was gone, but most classes were nonetheless taught in the same way. Fifth, many professors taught subjects outside of their specialty, with inadequate knowledge, and so relied even more heavily on the technique of mystification. Many seemed not to be committed to teaching. Sixth, ethical issues were inadequately treated.

Emotionally and intellectually it is most disturbing that the verdict that the sole — or virtually sole — purpose of law school should be to provide training for the practice of law. There is so much more to law, even for the practice of law, than that: issues such as the social functions of law, the factors that influence legal development, patterns of change, the interaction of law with other forms of social control such as religion, and, of course, the relationship of law and ethics. No approach to legal education will be perfect, given that a law school should serve various purposes. What follows are a few modest and practical suggestions.

First would be the disappearance of casebooks. They are standard in the US but virtually abhorred everywhere else. They are the biggest impediment to legal education. Casebooks present a few cases for discussion. But the law is not contained in a few cases; it is distilled from many. The results of this distillation are not stated. When only a few cases are studied, each appears out of context, cannot fully be understood or appreciated, and students are not given the framework of the law. Students cannot tell whether a case reflects general propositions or stands at the very edges. There is an absence of theoretical underpinnings. Moreover, the standard method of teaching from casebooks is very wasteful of time in failing to supply substantive information.

Of course, cases should be analysed but they should be analysed in context. A rather different teaching tool should be used, a book that would be an amalgam of the standard British legal textbook and the American casebook. Each section of the book would contain an overview of the subject with citation of the important cases supporting each proposition. Then would come the presentation of the individual case with questions designed to improve students' analytical skills and to show how and where the case fits in the overall context of the law.

Following on the disappearance of the casebook method would be a reform of the first-year curriculum, which would result in changes in the second and third years. Without casebooks there would be no problem in teaching basic subjects, such as contract, property and torts. These first-year courses could then serve as the basis for clusters of upper-level courses for those students who might wish to specialise in a particular area. With the time thus freed up, other first-year courses of a different sort could be added. For the time freed up, two compulsory subjects and one optional subject could be added to the first year curriculum. The first compulsory subject would be an introduction to professional responsibility. The other compulsory subject would be an introduction to law, covering topics not usually specifically treated.

With the time saved from the disappearance of the casebook method even in the second- and third- year courses, there could be a proliferation of new optional courses. There are three categories that could appeal to different groups of students: courses on supposedly esoteric subjects such as legal history; more courses on practical legal topics; and courses geared to actual practice, such as negotiation, office management, court rhetoric and more clinical courses.

GENDER ISSUES

Second-class citizens in the pink ghetto: gender bias in legal writing
J Durako
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In American law schools today, about three-quarters of the doctrinal faculty— those teaching such subjects as contracts and constitutional law — are men. Suppose it were discovered that those men had been systematically treated less well in terms of salary and status than the one-quarter of doctrinal faculty who are women. Suppose further that these men had been paid, on average, 80 percent of what the women earn, and that the men were awarded tenure at lower rates than the women. Would this be a problem? Would law schools take notice? Take action? What would deans and faculties do about this? What would the academic community, the legal profession, and wider audiences say about it?

The 1999 and 2000 surveys of legal writing programs revealed such a pattern of gender bias — not among doctrinal faculty but among legal writing directors, and not against men but against women. The two most recent national surveys of writing programs found that, although women made up 70 percent of the legal writing field and of its directors, law schools paid women directors about 80 percent of male directors' salaries. Law schools awarded tenure to a smaller proportion of women. Law schools less often assigned women the traditional legitimised academic title of professor. Law schools less often gave women teaching opportunities beyond first-year courses.

As with the advent of clinics, the advent of the legal writing profession allowed expansion and created challenges and opportunities for otherwise stable law faculties. A new teaching niche developed. Again, this new area differed from doctrinal teaching in that the positions were almost always