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
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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

of lower status: nontenured, much lower paid, and generally limited to specific areas of teaching. Two years of national survey data revealed that, in the field of legal writing directors, being a man means earning a substantially higher salary and enjoying a better status in the field, while carrying the same workload as a woman colleague. The more closely the job of a legal writing director resembles a doctrinal teaching position — in terms of salary, tenure, title, teaching areas and voting rights — the more likely it is that the job will be filled by a man.

The surveys of legal writing programs have been conducted annually or biannually since the early 1990s. They are nationwide in scope, reaching virtually all ABA-accredited law schools. They were created to collect and disseminate information about trends and developments to help improve this all-important area of legal education.

Female directors earn substantially less than male directors when measured by several simple statistics and as predicted by regression analysis. There were also salary differences by gender when analysing the number of females and males earning salaries in the range for experienced doctrinal faculty. The degree of the salary differences for women and men directors is perhaps the most startling result of the analysis. The survey data yielded one more unsettling salary comparison. In programs headed by female directors, the salary range for legal writing faculty, regardless of their gender, was lower than in programs headed by male directors.

Besides having lower salaries, female directors are less often in tenured or tenure-track jobs than male directors. Female directors also had less job security than men because they were more often on contract. And finally, just as legal writing faculty are apt to earn less if they work with a woman director, full-time legal writing faculty are less likely to have the job security of a tenure-track position if they work in a program headed by a woman.

Women directors teach a narrower range of courses than men and are more often restricted to teaching first-year courses. They also play a lesser role in faculty governance. Fewer female directors serve on faculty committees, and fewer vote than males.

The surveys show ways in which law schools treat women directors differently from men directors. The disparate treatment may surprise many deans and faculty. The surveys also show that both women and men in legal writing are treated less well than others in legal education.

The second-class status of women writing directors is not an isolated instance of gender bias within a profession. The surveys' results show that women legal writing directors share the same lower status as women teachers throughout higher education. Legal writing's pink ghetto status is, in other words, a kind of hierarchical segregation that developed in legal education, not unlike patterns found elsewhere. Whether one looks at the hierarchy of deans, associate deans, and assistant deans, or the hierarchy of full professors, associate professors, and assistant professors, as the prestige and salary for a position decrease, the percentage of women in that sort of job increases.

Law schools have a responsibility to model nonsexist behaviour and to acculturate law students into their new professional community. The treatment of women legal writing directors, viewed in the context of studies of women throughout the legal academy, raises serious questions about how law schools are meeting that duty. Maintaining a pink ghetto and a group of second-class citizens within that ghetto harms the field of legal writing, legal education more generally, and ultimately the legal profession. Perceptive law students learn both the explicit and the implicit lessons about women's value and roles by observing how law schools treat their women faculty. If women are viewed as a less important part of the legal academy, students may infer that women are a less important part of the legal process.

LEGAL ETHICS

Enhancing student learning of legal ethics and professional responsibility in Australian law schools by improving our teaching

M J Le Brun

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In late 1998 the author was awarded a National Teaching Fellowship to improve the teaching of Legal Ethics (LE) and Professional Responsibility (PR) in Australian law schools and faculties. The main aims of the Fellowship were to investigate and to share ideas about how LE/PR can best be taught and assessed in Australian and American law schools. As part of the work of the Fellowship, the author investigated the teaching approaches adopted, materials used, and assessment strategies employed: by teachers of LE/PR in selected law schools in the United States; by teachers of LE/PR in Australia; and by moral philosophers and applied ethicists in Australia.

In order to get an appreciation of what was happening in the teaching of LE/PR in law schools and in other related disciplines in Australia, the author conducted a written survey of law teachers and teachers of Philosophy and Applied Ethics. She also facilitated workshops designed specifically to improve student learning by improving the teaching of LE/PR. Participants in the workshops included current and future teachers of LE/PR, teachers of Applied Ethics and Philosophy and law students. Even though the definition of what LE/PR entails was left as broad as possible so that its scope could be discussed in the workshops, participants of the workshops reached no consensus about what LE/PR education is or should be. As a result, without a consensus of