

(prescribes doctrinal change), empirical scholarship (examines the social effect of legal rules), historical scholarship (relates legal doctrine to historical perspectives), and jurisprudential scholarship (investigates the essential nature of law). Feminist Jurisprudence, Critical Race Theory and Postmodernism are the new kids on the block. Two of the four types of feminism identified sit squarely within the traditional forms of scholarship, whilst the third form seeks to explain how women fare as a group, and the fourth focuses on the different moral and empirical worlds of women and men.

"Legal educators and theorists need to stop talking to each other and step out of their own doctrinal comfort zones and talk to those outside of legal institutions."

R Delgado

Using Edward Rubin's method of evaluating scholarship, the third and fourth types of feminist jurisprudence fail the test for rational discourse as does critical race theory. Postmodernism is not a form of legal scholarship but a philosophical outlook of universal applicability that has found its way into law reviews, both in its own right and as a tool used by the critical forms of legal scholarship. Whilst law is not an autonomous discipline it does contain an autonomous technique - scholarly legal advocacy (SLA). SLA is the interpolation of a legal principle from a line of cases with a view to arguing that the principle covers the case at hand. However, SLA is philosophically untenable. In hiring new faculty members, JDs should not be preferred over PhDs and excellence as legal scholarship does not require a particular composition of women and minorities.

Ambivalence: The resilience of legal culture in the United States

J Resnik

[see Women's Issues]

Legal scholarship today

R A Posner

[see Curriculum]

"A(nother) critique of pure reason": toward civic virtue in legal education

A P Harris and M M Shultz

[see Purpose]

Liberal political culture and the marginalised voice: interpretive responsibility and the American law school

D A J Richards

[see Purpose]

CONTINUING EDUCATION

[no material in this edition]

CURRICULUM

Legal scholarship today

R A Posner

45 *Stan L Rev* 6, July 1993, pp 1647-1658

The past three decades have wrought profound changes in legal scholarship. The traditional law professor was a student of legal doctrine, a lawyer training the next generation of lawyers who through law review articles, treaties, model laws, and restatements of the law guided the judges and practitioners. Such doctrinal legal scholarship flourished between 1870 and 1965 but has been in decline since. Law and Economics takes pride of place as a discipline that has challenged the legal doctrinalists' monopoly. The application of political and moral philosophy to the law are examples of other disciplines that have recently arisen to challenge the doctrinalists. The newcomers deploy non-legal tools to the study of the law.

Politically the faculties of leading American law schools now stand to the left of the judiciary. The newcomers write for each other and therefore offer little guidance on substantive issues of concern and interest to the practitioners of law. Furthermore the new learning

is antagonistic to the old. The introduction of the interdisciplinarian has shown that lawyers rarely understand the social and economic effect of the laws they administer. However, whilst a professionalism, dependability and craftsmanship is being lost, intellectual sophistication is being gained.

Legal education and the ideal of analytical excellence

J H Wilkinson III

[see Purpose]

Legal education and the politics of exclusion

R A Epstein

[see Context, Criticism and Theory]

The use and abuse of philosophy in legal education

M C Nussbaum

[see Context, Criticism and Theory]

The value of public service: A model for instilling a pro bono ethic in law school

J Chaifetz

[see Purpose]

DISTANCE EDUCATION

[no material in this edition]

ENROLMENT POLICIES

[no material in this edition]

EVALUATION

[no material in this edition]

FACILITIES

[no material in this edition]

FINANCIAL ASPECTS

Commission on financing of legal education formed

XXV *Syllabus* 2, Spring 1994, p 1

Recognising that the issue most affecting legal education and its future is the need for adequate financing of

legal education, the Association of American Law Schools and the ABA Section of Legal Education and Admissions to the Bar have joined together to form the Commission on Financing of Legal Education: Balancing Mission and Resources. the charge to the commission is to consider all issues regarding financing of legal education, from budgeting and intra-university relations to development and loan forgiveness, and to prepare a report with recommendations to help law schools to resolve the difficult questions they face. It is hoped that the report will be completed by late 1995.

GOVERNANCE

Higher Education Act regulations issued

J P White

XXV *Syllabus* 2, Spring 1994, p 2

Reports on the issue of proposed regulations governing the recognition of accrediting agencies. The Council of the ABA Section of Legal Education and Admissions to the Bar is the recognised accrediting agency for "professional schools of law". The purpose of the recognition is to assure that accrediting agencies are reliable authorities as to the quality of education or training offered by institutions or programs they accredit. Concerns have been voiced that the proposed regulations may exceed statutory authority, that they place an extraordinary data collection and reporting burden on accrediting agencies, and that they lack basic due process protections that will assure fair treatment of institutions. Article lists the areas in which an accrediting agency must have standards, such as curricula and faculty.

The author states that a frequent concern is that the accrediting agencies will become increasingly concerned with regulatory measures of institutional performance and less focussed on their traditional role of helping to improve the quality of individual schools by means of analytical self-studies and peer review.

HISTORY

[no material in this edition]

INDIVIDUAL SUBJECTS/AREAS OF LAW

Educating for professional competence in the twenty-first century: educational reform at Chicago-Kent College of Law

G S Laser

68 *Chi-Kent L Rev*, 1992, pp 243-290

A new educational program, "Dispute Resolution: Litigation and its Alternatives" is in place at the Chicago-Kent College of Law. The curriculum includes not only legal doctrine, skills and values but also the "art of lawyering". This is the knowledge needed to apply law in practice and is best taught through live-client clinical education in a realistic setting. Students engage in performance reviews with clinical professors with the aim of becoming reflective practitioners. The new program is a work-in-progress which may need improving but is a beginning.

Raising personal identification issues of class, race, gender, sexual orientation, physical disability and age in lawyering courses

B O Hing

45 *Stan L Rev* 6, July 1993, pp 1807-1833

To be an effective community lawyer, sensitivity to class, race, gender, sexual orientation, physical disability and age (personal identification) must be developed so that the lawyer-client relationship does not become an other subordinating experience for the client. Stanford Law School's Law and Social Change curriculum is composed of three courses that address personal identification (PI) issues. In the Lawyering Process for Social Change course familiarity with PI issues is generated by conducting a biographical interview of each student, use of materials that investigate how PI differences between lawyers and the community affect the client-attorney

relationship, and use of videotaped hypothetical interviews.

In the Immigration Clinic course students are required to represent real clients who are facing deportation proceedings and to engage in a community education project related to immigration and so acquiring an understanding of PI issues first hand. Students are required to keep a journal of their experiences and reflections at the Immigration Clinic. The Asian Pacific Americans and the Law course provides a background for students who are interested in lawyering in an Asian Pacific American community. PI issues are initially addressed in the second class and then as opportunities arise. At the conclusion of the courses students display a higher than average retention of knowledge of the issue covered in the course.

For non-live clinical courses use of believable hypotheticals, major news events of the day, videotaped footage of the relevant underprivileged communities, student experiences and reflective student journals are recommended.

INHOUSE CLE

Designing and running continuing education programs in a private law firm

A Blunden

paper presented at the 10th Commonwealth Law Conference

With the rapid growth in size of law firms in the 1980s came the need for increasing continuing education; lawyers had to be trained quickly and be kept up to date. In the 1990s there has not been enough work to provide good on-the-job experience, consequently formal training in firms has remained necessary for the development of skills and is cheaper in the long run than the slow process of learning through experience. Training through the use of external seminars, however, is not enough - in-house CLE is necessary for the development of lawyers and management of firms. In-house programs cover substantive law,