

# Legal Education Digest

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This is the first edition of the *Legal Education Digest*. It briefly summarises published articles and some unpublished materials on legal education. The journals and other publications which are being kept under review are listed at the end of the digest.

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\* = the abstract published with the article has been reproduced.

## ADMINISTRATION

[no material in this edition]

## ADMISSION TO PRACTICE

What can the public expect from the newly qualified lawyer?

R Scragg

[see Practical Training]

## ASSESSMENT METHODS

NY Committee suggests lawyer exams test wrong skills, unfair to minorities

D J DeBenedictis

ABA J May '92 p26

Report of a committee of the Association of the Bar of the City of New York says the New York bar exam does not adequately test the minimal skills needed to practise and probably denies admission unfairly to

minority applicants. The report calls for testing on 10 rather than 22 substantive areas of law, elimination of multiple-choice questions, use of "performance" testing and experimentation with questions on videotape. Also recommended a requirement of 100 hours of training in lawyering skills before admission. Article also reports on other reviews of bar exams.

## CAREER PATHS

Universities ignore warning to curtail law programmes

AFR June 16, 1992, p33

Describes and discusses huge growth in number of law courses, and career prospects for graduates. Also briefly describes new training proposals of New South Wales Law Society.

## CLINICAL LEGAL EDUCATION

[no material in this edition]

## CONTEXT, CRITICISM AND THEORY

Without Foundation: Stanley Fish and the Legal Academy

L Kaplan

16 Law & Soc. Inquiry 3, p593

A review essay on Stanley Fish's *Doing What Comes Naturally: Change, Rhetoric, and the Practice of Theory in Literary and Legal Studies*, 1989, Duke University Press.

The Possibilities and Perils of Legal Studies

N Sargent

6 Can J L & Soc'y (1991) p1

\* The paper explores the possibilities and perils of an interdisciplinary approach to legal studies emerging

as an alternative intellectual paradigm to the doctrinal tradition within legal scholarship. The privileged status accorded to the doctrinal tradition within the legal academy is sustained by its continued importance in providing a link between law as a field of intellectual inquiry and law as a field of professional practice. Despite the promise of a more pluralistic intellectual climate within the legal academy, it seems unlikely that an interdisciplinary approach to legal studies will succeed in challenging the preeminence of legal doctrine as the primary source of professional-knowledge claims about law. At the same time, however, any attempt to claim legal studies as a separate field of intellectual inquiry outside the legal academy confronts many of the same doubts about the nature of law as a unitary object of knowledge as the doctrinal tradition from which it seeks to distance itself. The paradox of the legal studies project is that whenever it tries to free itself from the embrace of the doctrinal tradition, it confronts epistemological doubts about the conditions for its own existence. It appears, therefore, that the legal studies project is destined to continue its labours in the shadow of the law.

Masculinism, Law and Law Teaching

R Collier

19 Int'l J Soc L 4, p 427

This article is concerned with masculinity and the teaching and study of law in institutions of higher education in the United Kingdom. In part it seeks to address the prospects of and limitations to men in legal studies (self-consciously "critical" or otherwise) "taking feminism seriously". It focusses in particular on the relationship

