

**Nobody in here but us chickens:  
Legal education and the virtues of  
the ruler**

L R Hirshman

45 *Stan L Rev* 6, July 1993, pp 1905-1936

The occupational profile of political cabinets, legislatures and corporations indicate that lawyers are the rulers of modern society - the new aristocracy. The article revives the debate over the virtues of lawyer/rulers. Two of the possible virtues of rulers are empathy - the capacity to care about the lives of individuals different to oneself and liberality - the virtue of giving what one owns to the right people and for the right reasons. To be effective the virtues of rulership must be taught in law schools.

**Civic education and interest group  
formation in the American law school**

J R Macey

45 *Stan L Rev* 6, July 1993, pp 1937-1953

During law school law students come to identify themselves with the legal profession. In opting to go to law school law students make a specific capital investment, as they progress through law school they lose the diversity they possessed at the beginning. Furthermore, there is no international market for the skills of lawyers as the demand for a lawyer's services is inextricably tied to the lawyer's specialised knowledge of a particular legal system. Lawyers will therefore try to find ways to expand the demand for their services.

Social psychologists believe that the act of role playing shapes, and later becomes, saying is believing. Even the belief many lawyers hold - that expanding legal services to the poor is a good idea - reflects their self-interestedness. It suggests that the ethical requirements to help the poor cannot be satisfied by volunteering to work in a soup kitchen or do literacy training. Law students' discussions of rights and values shift from the ethical and moral to the legal as they progress through law school. A healthy scepticism for the value of the law is perhaps the best defence against this sort of subversion.

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

D A J Richards

45 *Stan L Rev* 6, July 1993, pp 1955-1979

There is a movement from the positivistic view of law to a more interpretive view. In this way the importance of interdisciplinary learning becomes obvious. Law should be studied as an interpretive discipline in an institutional framework that is open to a full range of interdisciplinary arguments that clarify the proper understanding of constitutional principles in contemporary culture. Legal education today is caught between the Langdellian-style doctrine and practical skills training. Neither will make much educational or scholarly sense until brought into a proper relationship with interdisciplinary learning.

The segregation of law schools from the rest of the university should be broken down. To combat this segregation law schools need scholars with university level graduate training in other fields central to the interdisciplinary study of law, leading scholars in other disciplines should play an increasingly important role in law schools and students should undertake some measure of graduate work that brings interdisciplinary learning to bear on the law.

**Legal scholarship today**

R A Posner

[see Curriculum]

**What we do, and why we do it**

L Alexander

[see Context, Criticism and Theory]

**Two paths to the mountain top? The  
role of legal education in shaping the  
values of black corporate lawyers**

D B Wilkins

[see Students]

## RESEARCH

[no material in this edition]

## RESOURCES

[no material in this edition]

## SKILLS

**Skills-based training for lawyers: A  
neglected aspect of legal education**

J Goldring

paper presented at the 10th Commonwealth Law Conference, pp 175-183

The importance of skills-training is now widely recognised. Students can acquire most necessary skills through training. However, whether or not lawyers are properly trained cannot be tested by "competency testing" that is currently in vogue. The ultimate test is whether the lawyer provides a good service in real practice. The legal profession is now a diverse body ranging from transactional mega-firms, to government lawyers, to academics, however, all lawyers require common skills; research, advocacy, written and personal skills. Legal education is provided by different sources such as practical training institutions, but university law schools must continue to be the principal providers.

**Skills training for lawyers in a CLE  
context**

L Tan

paper presented at the 10th Commonwealth Law Conference, pp 195-201

The Commonwealth Attorney-General's Department in Australia has recently moved to commercialisation. Its vision is to be the pre-eminent provider of legal services and legal policy advice to the Australian public sector. Emphasis is placed on continuing legal education, and the skills needed to make the transition to commercialisation such as client service and computer competence. Other initiatives are the user pays system and a policy of open competition by mid-1995. Legal services and legal policy advice have been brought together in one

organisation; the "Attorney-General's Legal Practice."

#### **Intellectual skills and law degrees: twelve theses**

W Twining

paper presented at the 10th Commonwealth Law Conference, pp 203-208

To amateur legal educators the "skills debate" involves compiling longer and longer lists of desirable skills - a task "less intellectually demanding than selecting the World's Greatest Ever Cricket Team." However, valuable research is also being done from which can be distilled a broad consensus on the fundamentals about skills. The consensus encompasses 12 propositions which support the importance of skills in legal education.

#### **Are skills really frills**

N Gold

paper presented at the 10th Commonwealth Law Conference, pp 185-193

Skills-based training has been widely accepted throughout the Commonwealth but pockets of resistance remain. There is still an unwillingness to find a solution to the lingering complaint that lawyers are unskilful in practice.

Skills-based training recognises that while lawyers need a core of knowledge they must also have the ways and means for acquiring what they need to know to do their job. Further, law should not be isolated from its contexts of operation, such as business and family. Skills encourage disciplined habits of the mind and a means of self criticism, thus enabling learning to continue for life. Skills are complex, necessary element of legal education - not frills.

#### **The Advocates' Society Institute's model of "strategic advocacy": A model of excellence in skills training**

R Windeler

39 *CLE Journal and Register* 4, July 1993, pp 5-15

Skills training programs in the legal profession are popular but expensive to run. The Advocates' Society Institute

in Ontario, Canada, has for several years, successfully conducted an advocacy training program based on its "Strategic Advocacy" model. This is a hands-on, interactive program offering individualised instruction and critique in a small group environment. The curriculum involves 11 one-day workshops which stress either planning or performance skills. The program includes first client contact, negotiation, pre-trial planning, in-court presentation and planning for appeal. The model is different from other skills training models in that it combines many elements such as team learning, incremental learning, individual's needs and feedback.

## **STATISTICS**

#### **Law school enrollment decreases slightly**

XXV *Syllabus* 2, Spring 1994 p 4

Reports on changing enrolment patterns in ABA-approved law schools. Overall enrolment decreased slightly in 1994, but the number of women entering law school was up. Women represent 42.8% of enrollments. Enrollments by people from minority groups also increased. A number of statistical table are provided.

## **STUDENTS**

#### **Two paths to the mountain top? The role of legal education in shaping the values of black corporate lawyers**

D B Wilkins

45 *Stan L Rev* 6, July 1993, pp 1981-2026

The obligation thesis states that black corporate lawyers need to recognise that they have a moral obligation to the black community which must be balanced against other professional duties and personal commitments. This thesis is a coherent and morally attractive mechanism for blacks to mediate the tension between serving the needs of corporate clients and advancing the interests of the black community. The current discourse in legal education undermines the legitimacy of this race-conscious duty and fails to provide students with the

tools to carry it out. Legal education stresses generality over context, procedural formality over normative argument, and a partisan over a purposive conception of the lawyers role, thus encouraging black law students to view the obligation thesis as incoherent and unprofessional.

## **TEACHERS**

#### **Reflections on professional academic freedom: second thoughts on the third "essential freedom"**

M A Olivas

45 *Stan L Rev* 6, July 1993, pp 1835-1858

The article attempts to shed some light on academic freedom with special attention to the emergence of conflicts that pit the rights of teachers against the rights of students. Traditionally academic freedom has protected scholarly enterprise from outside interference yet it has allowed only limited protection to professor's classroom activities that run contrary to the institutional interest. Recent decisions suggest that teaching styles and methodologies may be open to greater scrutiny by students taking action against professors resulting in the termination of the professor's appointment. The expression of controversial and unpopular ideals must be protected when a professor is teaching within his/her field.

Interference by the professor's personal views, unrelated to the subject matter being taught, are not protected by the notion of academic freedom. It would appear that any comprehensive theory of professorial authority to determine "how it shall be taught" must incorporate a feedback mechanism for students to take issue, voice complaints, and point out remarks or attitudes of the professor that may be insensitive or disparaging.