HISTORY

[no material in this edition]

INDIVIDUAL SUBJECTS/AREAS OF LAW

Teaching statutory law
J Stark
44 *J Legal Educ* 4, December 1994, pp 579-587

Statutory analysis is a vital component of the practice of law but law schools pay little attention to it. Many of the questions arising in practice do not require the mental gymnastics performed during law school and often a quick read of the relevant statute can efficiently answer a client's problem. However, many statutes are far from unambiguous.

Learning to read statutes is a necessary lawyerly skill and should be acquired as soon as possible in law school. There is a tendency to slight statutes at law school in the false belief that case law is the law and that statutes are an illicit intrusion into the world of judge-made law. The author spells out the benefits of teaching statutory law at law school.

The first question is whether it should be taught as a subject in its own right or added to the curriculum of existing subjects. By devoting a whole subject to statutory law, students are prevented from thinking that they are studying a body of law rather than learning to use statutes. Conversely, with respect to the integrated approach, some of the insights generated from the study of a body of law are required to illustrate nuances in statutory interpretation and use. The author comes down on the side of a course based on a body of law as the preferred approach.

The first unit of a course on statutory law should provide a brief general history of statutes - that they are shaped by forces in the community and direct behaviour. The second unit would involve learning to read statutes and the recognition that their main virtue should be accuracy in effecting the desired policy and not, as the plain language school would advocate, clarity. This means that even if a statute is difficult to comprehend but still accomplishes its purpose, then it is a success. Statutes are highly conventional in the strict sense of following conventions. Statutes are systems and may contain sub-systems. Sub-systems may be sequentially ordered or scattered throughout the statute, and finding all the relevant parts can be a demanding task.

The third unit would serve as a reminder that statutes are not self-contained but interact with the real word by directing behaviour. The fourth unit could involve students drafting amendment bills to change or augment statutes. Legislative drafting would be the heart of the course and would necessitate an investigation into the ways in which judges read statutes and the canons of statutory construction. Finally, once students had become expert at reading the statutes accurately, they would then be allowed to read legal opinions interpreting the statutes, the intellectual respectability of which would probably look very different to them at that point than it would have looked before they began the course.

Increased attention to statutory law would help to correct Langdell's error of overemphasising case law, which has plagued legal education for decades.

Swimming lessons: an orientation course for foreign graduate students
J E Hanigsberg
44 *J Legal Educ* 4, December 1994, pp 588-603

The number of foreign (civil or Roman law lawyers) graduate students in American law schools is steadily rising, yet there has been little discussion of the special educational needs of this diverse group. The author proposes a single semester course aimed at providing practical orientation for foreign law students by offering instruction on the basics of the common law.

The aim of the orientation course is to enable the students to make the most of the legal training that they will receive at the American law school. It would provide the students with the necessary skills and ease them into the law school environment. The workload should not be too onerous and the course should provide adequate time for thought and reflection. The teacher should be familiar with civil law and have an interest in comparative perspectives.

The first goal of the course should be to introduce foreign students to the American method of law teaching, in particular the case based and the Socratic methods. The second goal should be to introduce the basic analytical techniques, such as the doctrine of precedent, the concept of stare decisis, the meaning of obiter and ratio and the technique of distinguishing cases. The third goal of the course would be to provide an overview of the contents of an American law library and the

research tools available. In particular, students should learn how to use case reporters, reference aids, legal dictionaries, digests and computer assisted legal research. The fourth goal that may be addressed is the range of theoretical approaches to the law.

The challenges to be met by the teacher include accommodating the different language abilities of the students, the tensions that cultural diversity may create and the personal issues that foreign students in a new country will encounter.

To conclude the article, the author offers some personal perspectives and recommendations drawn from the orientation course she teaches. She concludes by pointing out that foreign students come to American law schools fully armed with an arsenal of impressive skills. What they need are some basic tools to help them bridge the gap between their domestic legal education and their course of study in the United States in order to make a success of their graduate school experience.

The European content of British law degrees
D Edward
29 *Law Teacher* 2, 1995, pp 142-151

The process of European integration has reached a stage where any self-respecting law degree must have a course on European Community law. However, deciding what that course should be is very difficult. It is a feature of the structure of law degrees that they are selective in that the subjects rarely cover all the law in the area they seek to address. Introducing a European dimension further increases the problems of selection. We need to decide both what we are trying to achieve and what we are trying to teach and how.

Law schools should resist the pressure of merely training graduates as practitioners. European law firms, when asked about the sort of graduate that universities should produce, replied that the graduate should be one with a sound grasp of one national system of law together with private international law or Roman law or comparative law. Law schools should resist the temptation to concentrate on black letter law. European dimensions of law go beyond the conventional law school curriculum to include human rights, economic rights, rights of free movement, competition law etc.

It has been suggested that European dimensions can be provided by one or more core subjects, especially Roman law, jurisprudence, European law, comparative law, private international law and procedural law. However, the author submits that the search for a single core subject is the wrong approach. It is suggested that European law would be better taught at the honours or masters level, as a separate add-on to an already existing law degree. The syllabus should offer little choice in terms of elective subjects and its content should be essentially national.

However, a basic introduction to the institutions and substantive law of the European Community should be obligatory, to be taught as a specific course and not dispersed amongst other courses dealing with different aspects of national law. The author offers a syllabus for a core course in Community law, addressing the main features of the development and nature of Community law and the structure and principal provisions of the European Community treaty.

INHOUSE CLE

[no material in this edition]

INSTITUTIONS & ORGANISATIONS

[no material in this edition]

JUDICIAL EDUCATION

[no material in this edition]

LEGAL EDUCATION GENERALLY

The MacCrate Report - heuristic or prescriptive?
W Loh
69 *Wash L Rev* 3, Summer 1994, pp 505-515

The *Report of the ABA Task Force on Law Schools and the Profession: Narrowing the Gap*, commonly called the MacCrate Report, contains a Statement of Skills and Values (SSV). The SSV may represent the greatest paradigm shift in legal education since Langdell in the late 19th century envisioned legal education as the pursuit of legal science through the case method.

Law schools have developed a unique history, organisation and economics that prevent us from reasonably expecting that they should shoulder alone the responsibility of converting law students into fully-fledged attorneys. The resulting gap between expectation and reality has generated a litany of complaints. The bar sees the academy's job as the training of lawyers, whereas the academy sees the law school as a centre of learning