

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

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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

and scholarship within the university. The common concern for both educators and members of the bar is whether law schools and the profession are properly discharging their shared responsibility for the lifelong education of lawyers.

The MacCrate Report represents the most comprehensive effort to date to bridge the gap between the law schools and the bar. It defined who the modern lawyer is and then determined the education needed to produce that lawyer. The Task Force formulated a list of ten lawyering skills and four professional values. The fundamental lawyering skills are: problem solving; legal analysis and reasoning; legal research; factual investigation; communication; counselling; negotiation; litigation and alternative dispute resolution; organisation and management of legal work; and recognition and resolution of ethical dilemmas. The professional values are: provision of competent representation; strive to promote justice, fairness and morality; improve the profession; and undertake professional skills development. The Task Force argued that the development of these skills and values neither begins nor ends with three years at law school.

The enormous amount of data collected by the Task Force on gender and ethnic diversity and practice areas and settings makes the Report a valuable resource in the study of the sociology of the profession. However, the Report relies on a narrow definition of the profession and its recommendations represent an equally limited view of legal education.

At best the MacCrate Report stands as a continuing discourse on the profession between the academy, the

bench and the bar regarding the purpose and means of legal education. The concern with the SSV is that it will be seen as a single set of skills and values without the acknowledgment of competing visions based on different social priorities, pedagogies and images of the profession. There is also concern that the SSV will be misused in curricular reform and law school accreditation and form part of the regulations governing admission. The challenge therefore to the academy and the bar is to find ways of making the MacCrate Report a useful and meaningful document. The Report should provide an opportunity for the re-examination of legal education along the entire continuum from the law school application to practice as an experienced attorney, rather than a potential source of intrusive and stifling regulation.

The 21st century lawyer: is there a gap to be narrowed?

R MacCrate

69 *Wash L Rev* 3, Summer 1994, pp 517-526

Law schools, whilst holding firmly to their scholarly mission, are giving increased attention to the world of lawyer performance and the need to prepare students to participate effectively in legal practice. The author gives a brief history of legal education in America.

Of interest is the comment of Karl Llewellyn of Columbia Law School, who in the 1930s wrote that "no faculty, and, I believe, not one percent of instructors, knows what it or they are trying to educate for". In 1955 Dean Griswold observed that it is no longer possible for a student to know all the law and called for the development of new materials and approaches to teach more and more

about less and less. The focus should be on the human relations element in lawyering with results being accomplished in a client-centred manner.

In the 1960s the focus in legal education was on the adequacy of the profession's performance in delivering legal services and the establishment of the Council on Legal Education for Professional Responsibility (CLEPR). The 1970s saw the growth of the skills and values curriculum, which is unquestionably the most significant development in legal education in the post-World War II era. Despite the continual improvement in lawyer education, disjunctions between legal education and the needs of lawyers and judges persisted. The principal focus within the law school community remained upon law in the abstract and only slowly did the academy turn toward the reality of law in society and in the daily work of lawyers.

In 1987 Justice Wahl asked legal educators at a national conference on Professional Skills and Legal Education to recommit themselves to certain basic principles, including teaching students how to learn systematically from experience and simultaneously to educate them in a broader range of legal analysis and skills than had traditionally been taught. She suggested that they ask themselves if they have really tried to determine what skills, what attitudes, what character traits and qualities of mind are required to be a lawyer.

The following year Justice Wahl commissioned the Task Force that produced the MacCrate Report to address these questions. However, the approach adopted, which was different from prior studies of legal