

The MacCrate Report fails to take into account the complexity of differing theories about both law and lawyering, preferring instead to use a "scientific" deductive description for them. The author illustrates her argument by referring to three examples: client counselling, negotiation and dispute resolution.

The author's design for the educational program for 21st century lawyers would attempt a broader and less detailed vision of what a lawyer would need to know. The well-rounded lawyer of the next century will need to be proficient and competent in a much broader set of skills and competencies than the MacCrate Report has touched on.

**Another "postscript" to "The growing disjunction between legal education and the legal profession"**

H T Edwards

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In a previous article in the Michigan Law Review the author expressed concern about law schools and law firms moving in opposite directions. In this postscript he now recapitulates his thesis.

Law schools should be in the business of training ethical practitioners and producing scholarship that judges, legislators and practitioners can use, rather than the abstract theory which many emphasise. Law firms have abandoned their place on the legal education continuum by pursuing profit above all else. The middle ground of ethical practice has been deserted. If law schools continue to stray from their principal duty of professional scholarship, the gap between legal education and the

legal profession will grow and society will be the worse for it.

Law schools are not trade schools. Interdisciplinary studies do have a place within law schools. However, the primary consideration of a law school should be professional education.

The principal problem today is the lack of a healthy balance between "impractical" and "practical" teaching and scholarship. The former is both prescriptive, in the sense that it instructs lawyers, judges etc. on how to resolve legal issues but also doctrinal, in the sense that it gives due weight to the various constraining sources of the law, namely precedents, statutes and the constitution. The latter consists of abstract theory divorced from legal doctrine, that is from the authoritative sources of law that necessarily constrain the arguments available to the legal profession. "Impractical" scholars are often inept at teaching doctrine, either for lack of any practical experience, lack of interest in the subject matter, or both. They often have little sense of ethical problems in the profession, because often they hold practitioners in disdain.

The author offers what he considers to be the top ten list of the effects of the widening gap between legal education and the legal profession: faculty hiring at law schools is tilted towards impractical scholars; course offerings have changed dramatically; too little time and money is spent on written work, clinical training and ethics; we refuse to do any real cost-benefit analysis of what is useful in legal education; too many law professors hold the profession in disdain; too many legal academics view what practitioners and judges do as mundane and dull, while the

obscure work of a new breed of scholars is viewed as richer and more complex; legal scholarship often does not aim to serve the profession; the advocacy seen by judges sometimes is horrendous; there is a growing inattention to the needs of the disadvantaged; and law schools do not really heed the views of practitioners.

The MacCrate Report's statement of goals is useful but it seems not to comprehend that there are many academics who would reject or ignore its goals because they do not view legal education as a form of professional training. To deal with these problems, the entire legal academic community must work collectively to find a middle ground where a greater number of practical scholars flourish alongside their theory-oriented counterparts in an environment of mutual respect. Both should contribute to an education for students that better prepares them for practice and both should share the fundamental belief that scholarship that seeks to inform and guide practitioners, legislators and judges is a valuable, indeed necessary, component of any law school's mission.

**Education for a public calling in the 21st century**

P A Haddon

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Good lawyering in the 21st century should be defined as a public calling which emphasises a professional obligation to promote equality in the legal system. Legal educators and practitioners should consider the kind of education which responds to such a calling.

In the last decade, alternative perspectives have risen within the