

the range of conflicting theoretical perspectives now available. Theoretical issues may be raised in relation to each topic or, alternatively, a few topics may be chosen specifically to explore the theoretical perspectives. The author recommends the latter approach as it ensures that the theory aspect is not trivialised or covered superficially. Several sample theory questions are included in the article.

If the course is to become more practical and theoretical, some aspect of the course must be removed to make room. One possibility is to reduce the amount of doctrinal analysis of judicial decisions. As case law has steadily made way for statutory provisions, there is less need for a doctrinal approach. With respect to the blend of the practical and theoretical perspectives, the author favours a limited use of interdisciplinary material in which the object is not to produce a combination of sociologist, philosopher, political scientist etc, but rather to produce graduates who are able to work with the detail and complexity of legal materials in a way that is informed by the contribution of other disciplines.

The role of legal education in the emerging legal speciality of paediatric law

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26 *Loyola Univ Chic L J* 2, 1995, pp 131-135

Only recently has the legal profession recognised that the law and its institutions have a vital role to play in ensuring the safety of children. Law schools have an obligation to expose future lawyers to the legal issues faced

by children. Previously, children and the law only coincided in subjects like family law and succession. Other courses may have considered child delinquency and the surrounding issues. In 1978, Mnookin published a casebook examining the broader issues of children and the law which also covered child abuse and neglect. Clinical programs also began to bring law students into contact with legal issues relating to children.

In 1993, Loyola University Chicago established the CIVITAS Child Law Centre. The goal of the Centre is to identify, financially assist and train students who are committed to working on behalf of the rights of children. The CIVITAS program has four components: a formal curriculum, internship obligations, symposia and clinical experience.

Acting as an advocate for a child requires more than a knowledge of the legal issues and court processes relating to children. A paediatric law specialist may have to be familiar with other non-legal disciplines, such as psychology, social work, medicine, criminology, ethics, organisational development and economics. A challenge in paediatric law education is to determine how and what interdisciplinary areas should be included in the law school curriculum. CIVITAS encourages seminars by non-law faculty staff and spurs students to take courses with other departments in the university.

A law school program cannot produce experienced practitioners. However, it should strive to achieve a number of objectives: (1) to provide students with the

theoretical and practical skills necessary to represent the interests of child clients; (2) to develop an on-going awareness of their professional responsibility as lawyers for children; (3) to provide opportunities to explore the range of policy issues that affect children and families and acquaint them with strategies to promote the development of child-centred social policies; (4) to teach students to work collaboratively with others, especially with professionals from other disciplines; and (5) to impress on students an ongoing obligation to provide leadership on issues affecting the welfare of children.

LEGAL EDUCATION GENERALLY

REVIEW ARTICLE

First report on legal education and training

The Lord Chancellor's Advisory Committee on Legal Education and Conduct

April, 1996

The long awaited first report of the Lord Chancellor's Advisory Committee has appeared only within the past few weeks. This is the first of a series of reports to be issued by the Committee. Their inquiry constitutes the first large-scale review of legal education and training to emerge from England and Wales since the immensely influential Ormrod Report of 1971.

This first report has been published five years to the month since the Advisory Committee was established, although it did not start work on its survey of legal education until late 1992. Over

the intervening years three consultative conferences have taken place, visits have been paid to many teaching institutions, Legal Practice Course providers, solicitors' firms and barristers' chambers. Research projects have been commissioned and data have been gathered to aid in drawing comparisons with legal education provision in other countries. In the end result, it can be confidently expected that the quality of this report will reflect the thoroughgoing approach adopted by the Committee.

The precise ambit of this first report is stated to be the first degree in law, conversion courses for non-law graduates, common professional legal studies, and the specific education of intending barristers and solicitors up to the point of initial qualification. Continuing professional development, being post-admission, will be the subject of further consultation during the year, leading to the issue of the Committee's second report scheduled for April, 1997.

This report consists of seven chapters, a summary of the main recommendations and nine appendices, all encompassed in 171 pages.

Chapter 1 considers the changing needs of legal practice in the 21st century, starting with an account of changes in practice, and possible responses to the changing market for legal services, finally turning to some important aspects of the knowledge and skills required by lawyers in the new millennium.

The Committee issues a warning which recurs throughout the

report, a concern that generic legal education and the teaching of core legal values are being eroded by the demands for the teaching of specialised subjects and skills both in the initial law degree and in the vocational stage, thereby pushing students into premature career choices or early specialisation. In a world of rapid economic and social change and diminished job security, what is needed, in its opinion, are transferable skills imparted by a legal education and training which lays the broad foundations in legal knowledge and skill which practitioners will be able to use throughout their careers as building blocks toward multiple specialisations.

Given the pace of change, there may be an understandable desire to call a temporary halt to reform of legal education, and to allow a period for consolidation and evaluation. Unfortunately, not only does educational reform require extensive advance planning but, more significantly, the world in which the legal profession must operate will not stand still....Because the pressures for change are unlikely to diminish, educational reform itself must be an on-going process in order to help the legal professionals of tomorrow better to adapt to the radically different environment in which they hope to develop and prosper. (p. 4)

In chapter 2 the general requirements of the system of legal education and training as envisioned by the Committee are enumerated. These are (1) flexibility, variety and diversity; (2) multiple entry and exit points; (3) legal education as an all-round preparation for a wide range of

occupational destinations; (4) intellectual rigour; (5) a common professional education; and (6) a new partnership between universities and professional bodies, giving the former greater freedom to manoeuvre and institutional autonomy, accompanied by the disappearance of the rigid demarcation between the academic and vocational stages. Legal education and training should aim to achieve intellectual rigour and independence of mind, core knowledge, contextual knowledge, legal values and professional skills. The serious structural weaknesses of the present system are identified as the artificially rigid division between the academic and professional stages of legal education, thereby failing to treat it as a continuum, and the erroneous perception by some that the academic stage is a preparation primarily for vocational training as a barrister or solicitor.

Chapter 3 is given over to an examination of the problems of access to and institutional funding of legal education, as well as financial support for students. The Committee has recommendations about broadening access to the profession by the removal of artificial restrictions on the numbers of places in vocational courses, other than for educational or resource considerations, and externally imposed limitations on the number of training contracts or pupillages. Law schools should ensure that their admission policies provide for transparent equality of access. The Committee also concludes that there are distinctive features of legal education which should be taken into account by higher

education institutions when making budgetary arrangements.

In chapter 4 the attributes of the qualifying university law degree are defined by the Committee. It envisages that the degree course should stand as an independent liberal education in the discipline of law, not tied to any specific vocation. It also advocates greater institutional autonomy so that universities will not be overly constrained by professional requirements that focus on prescribed content or pre-specified skills. They should be free to experiment in the interest of the development of best practice, which in turn depends on there being a variety of approaches in terms of content, organisation, teaching methods, assessment patterns etc. Not surprisingly, the notion of a tightly prescribed common degree element is rejected on the grounds of the continuing pressure to overload the core, the superficiality of coverage at the expense of in-depth study and the separation of knowledge and skills. The Committee favours an approach which puts less emphasis on specifying content and more on the development of the student's intellectual and other skills and the quality of the educational experience. Recommendations have also been formulated in this chapter on teaching methods and assessment and the length and structure of the law degree.

Chapter 5 considers the arguments for and against a common professional preparation for barristers and solicitors and comes down on the side of a Common Professional Legal Studies ('CPLS') course for those with a qualifying law degree, leading to a

'Licentiate in Professional Legal Studies'. The focus of chapter 6 is on the structure of the practice courses for the training of barristers and solicitors, specifically the modifications to the existing Legal Practice Course ('LPC') and Bar Vocational Course ('BVC'), which should be followed by one, but desirably two, separate periods of in-service training.

In summary, the Committee's preferred model is designed to encourage the integration of legal education and training by breaking away from the traditional linear pattern of the academic and vocational stages. It proposes a series of exit points, each resulting in an appropriate qualification and leading to a variety of careers. The structure contains these parts:

The initial stage The starting point is the qualifying law degree, with appropriate allowances being made for the entry of mature age students and for conversion courses for non-law graduates. A degree should be recognised by professional bodies provided stated requirements are met with respect to learning resources, as well as its quality assessment rating. The minimum content approach should be abandoned in favour of an emphasis on intellectual and skills development. The degree should include the study of legal subjects for not less than two years of full-time study.

Common professional education The CPLS course, normally offered as a self-contained program of 15 - 18 weeks and resulting in the Licentiate, provides a new exit point. However, the subject matter could

also be covered in a four-year qualifying law degree or a Masters degree in Professional Legal Studies.

In-service training and specialist courses For those wishing to reach the point of initial qualification as solicitors or barristers, three further educational modules are required: the LPC or BVC (each of 15 - 18 weeks); an elective first in-service training period of six months in an approved practice setting; and a second in-service training stint of 6-12 months with a solicitor under a training contract or pupillage with a barrister. The net result is a minimum period of 5 to 5½ years to the point of initial qualification. The notion of the elective in-service training period is that that experience would facilitate the career choice as to whether to enrol in the LPC or BVC.

The final chapter encapsulates the recommendations with respect to preferred quality assurance mechanisms. The ABA law school accreditation system was considered but rejected as inappropriate for local conditions.

It should be recognised that the above brief analysis of the Advisory Committee's first report is necessarily superficial. Such an important document will repay careful study in full. It will also be most interesting to see whether the relevant stakeholders adopt the salient recommendations and how they implement them. The report contains a blueprint for the future shape of education and training in England and Wales for years to come. As such, although it will probably have less impact internationally than the MacCrate Report, it is still bound to exert a

considerable influence upon the thinking in other jurisdictions about the structure of their own legal education systems and the relationship between the component parts.

Editor

Scenes from the continuum: sustaining the MacCrate Report's vision of law school education into the twenty-first century

M Norwood

30 *Wake Forest L Rev* 2, 1995, pp 293-305

The mission of the ABA Task Force on Legal Education and the Profession in the production of the report known as the MacCrate Report was (1) to undertake a comprehensive study of how lawyers were prepared, (2) to identify the commonly perceived deficiencies in the lawyering skills and professional values of today's law graduates, and (3) to describe the means to improve the education of American lawyers.

The MacCrate Report bases its vision of legal education on five elements: first, that each member of the legal profession is personally responsible for self-assessment and self-development; secondly, that the law, despite its diversity, remains a single profession identified with a perceived body of learning, skills and values; thirdly, that the preparation of lawyers should include the acquisition of fundamental lawyering skills and professional values; fourthly, that skills and values are developed along a continuum that starts before law school and continues throughout a lawyer's professional life; and, finally, that skills and

values are capable of being taught using the teaching methodologies developed over the past 25 years.

The Report identifies the law school as the most intensely focused educational experience that lawyers are likely to receive at any time during their careers. Accordingly, it is law schools that are pivotal in implementing the MacCrate Report's vision of legal education. The Report found that today's law schools fall short of achieving optimal coverage of the skills and values outlined. The question that remains to be answered is how law schools are to make the transition from where they are now to where the MacCrate Report suggests they should be. The Report entrusts the responsibility for this transition to the law schools themselves and avoids the formation and use of an implementation body. It is, however, difficult to imagine how the implementation of the transition will proceed without the continuing nurturing of the Task Force's proposed Institute, the American Institute for the Practice of Law. In changing, law schools face the inherent inertia to change common to institutions and the drain on resources that such changes may at the outset have.

The author offers his view of what the law school of the future will be like by providing a hypothetical description of a 'day in the life of your average twenty-first century law student'.

In conclusion, the MacCrate Report articulates a powerful vision of legal education but fails to present a coherent strategy for its implementation. Implementation of the Report can only be done through the

collaboration of law schools, practising lawyers, the judiciary and law students.

Legal education: observations and perceptions from the bench

The Honourable R R Merhige, Jr
30 *Wake Forest L Rev* 2, 1995, pp 369-377

The image of lawyers is in decline whilst the market is flooded by them. Why has the image of lawyers become so tarnished, and what can legal education do to advance the perception of lawyers? Even those involved with the profession and in the profession are disillusioned.

One factor that may have contributed to the low esteem and image of the profession is excessive advertising, brought about by the decision in *Bates v. Arizona*. Consequently, some lawyers have prospered through marketing and advertising and not through their ability to serve their clients' needs thoroughly and accurately.

Despite the apparent unpopular image of the profession, one wonders why it attracts the country's brightest graduates and why so many people choose law as their profession. The burden falls on law schools to refocus these bright young minds and open their minds to the service aspects of the profession. However, it becomes problematic when few of the professors have been in practice and are, at best, legal scholars. This fact goes to indicate that law schools do not and should not be expected to produce a finished product capable of counselling, advising, leading, managing and freeing a client from legal predicaments. Law