accumulation of experiences, the fledgling lawyer diagnoses the concrete problem, seeking a flexible, contextual and pragmatic solution. The bulk of cognitive research supports the view that the vibrant theory of practitioners is largely encapsulated within the memorable metaphors of past practice and that analogy and metaphor predominate over rule-driven rationalism. The net effect of these insights is that the most effective location of cognition and reflection is in-action rather than segregated to distant, less relevant locations before-or-after-the-fact. Cognition/reflection-in-action is the process by which theory becomes encapsulated within experience as practice metaphors. It emphasises cognitive engagement and dialogue with the situational dilemma, as a mechanism of cognitive pluralism and as thematic scaffolding for further cognitive development. It reminds us that the spotlight of concurrent reflection can countermand subconscious cultural commands and illuminate new worlds of resistance and transformation. It is important to remember that the ultimate goal of cognitive transformation and acculturation within a new social practice domain is an internal one of confronting and revising immature understandings and ineffectual conventional understandings as well.

EVALUATION

The how and why of law school accreditation
R A. Cass
45 *J Legal Ed* 3, September, 1995, pp 418-425

When insiders are asked why we have law school accreditations, they will advance seven distinct reasons:

1 Accreditation could be a form of certification intended to convey information about quality, signalling the best quality legal education.

2 It could be a consumer-protection measure, intended to prevent fraud on consumers of legal education. Here, the concern is that law schools may be not really conferring value for the money received from their students.

3 Accreditation could be a consumer protection measure, focused not on consumers of legal education but on consumers of legal services.

4 It might be designed to protect the legal profession. The problem seen by proponents of this version is not simply the effects that bad lawyers have on third parties but the more diffuse effects that entrants into the legal profession can have on other lawyers.

5 Accreditation might be designed to protect law schools either by limiting competition or by helping law schools to do battle with university administrations that find other uses for university resources attractive.

6 It could be aimed at protecting selected law school constituencies, such as increasing the salaries of law professors or law librarians.

7 It could serve the interests of the accreditation bureaucracy, such as increased compensation, control over increased resources and greater power.

It is reasonable to ask how the present system coincides with these rationales. The ones that are the best fit with the current accreditation system are the rationales that come at the end of the list. The hallmarks of the present system are as follows:

1 Law school accreditation does not provide information that distinguishes one law school from another. It is essentially exclusionary, not informational.

2 There is little supervision of the actual content of instruction. Rules directed at what is being taught, such as the requirement for instruction in legal ethics, are extremely rare.

3 The system constitutes a one-way ratchet for more expensive legal education. In order to become an ABA-accredited law school, an institution must pay a fee to the inspectors and must conform to a long list of standards that focus largely on the inputs to legal education which, in general, require expenditures.

4 The system requires rearrangement of resources within schools, largely promoting increased faculty control and increased faculty compensation.

5 The system retards change and reduces competition between schools as well as between new law school graduates and lawyers. The accreditation process reduces competition by raising the cost of legal education and by putting downward pressure on the number of positions available in approved schools. It slows change and competition among school by making new programs, new degree offerings, and other major changes in law school operation subject to approval from the accrediting body.

6 Finally, for schools that have passed the accreditation hurdle, the present system operates as a form of extortion preying on the uninitiated. It appears that schools almost never lose their accreditation, but are routinely told that there are concerns that put accreditation in jeopardy. The way to avoid the threat of revocation is to hire more faculty, increase faculty salaries, spend more on the library, invest in a new building and so on. The game works the same way for allocation of resources within a law school as it does with respect to allocation of funds to its law school.

Taken together, these observations portray an accreditation system that is more consistent with the goals of accreditor protection, constituent

service and educators' self-protection, and to a lesser degree with professional self-protection. They do not portray a system that primarily protects or informs the public. Unfortunately, the most often voiced praise for the current system, that it is effective in moving resources from other parts of the university to the law schools, is an appeal to brute force rather than reason and right.

Perspectives on the accreditation process: views from a nontraditional school
R A. Matasar
45 *J Legal Ed* 3, September, 1995, pp 426-430

As we enter an era of scarce resources and diminished demand for legal education, accreditation must serve the end of assisting the fittest and cleverest law schools to survive. It must encourage experimentation and maximise the efficient use of resources. In my experience, however, it is punishing innovation and efficiency and is so tied to the past that it prevents seeing the future. I became the dean of Chicago-Kent a few months after the law school received its site visit. Several letters later, Chicago-Kent received a clean bill of health. During the nearly three years of communication with the ABA, I came to understand the accreditation process as a rite of passage.

Chicago-Kent is a can-do law school which has been able to fulfill its wish list through creative solutions to resource problems. It frequently does things differently. It has established a fee-generating clinic that grows with little or no cost. It has adopted a large visiting assistant professor program staffed by those wanting to become tenure-track faculty members (but paid lower salaries). It has created computerised first-year courses and has organised several curricular concentrations.

The accreditation process, however, suggests that the ABA has adopted a no-you-can't attitude. The ABA Accreditation Committee has been obsessed with our inadequate 'resources' - i.e. our poor student-to-teacher ratio. Apparently, under the worst possible method of counting our faculty, our ratio was slightly above the magical 30:1 ratio required by ABA interpretations. To reach the 30:1 ratio, the ABA excluded all administrators regardless of whether they taught full teaching loads. When our visiting assistant professors and other excluded staff are counted, our ratio approaches 22 to I. I carefully drafted each letter to the ABA to make this point, to each of which I received the same response, to the effect that Chicago-Kent devoted insufficient resources to teaching 'because of an inadequate student to teacher ratio'. There was no explanation as to how the Committee reached its conclusion. Finally, in frustration, I called the consultant's office and was told that the reason our ratio was bad was simply that our response to questions on the annual ABA questionnaire demonstrated the inadequacy of our teaching resources. We came up with different answers and we now have full accreditation, produced by answering the spirit of questions rather than their literal wording.

These experiences have given me a new appreciation of the accreditation process, which I believe must become a vehicle for change to reflect the changes in the world around us. Law school applications are declining; salaries and the demand for recent graduates are stable or declining; law schools are downsizing. In short, we are living in times of scarcity where innovation and effective resource utilisation are economic necessities. Yet accreditation remains a process of accretion, calling for more buildings to be built, books to be bought etc. Accreditation has become a parade of non-negotiables.

Change in legal education is coming. At the moment, one would have the impression that the Accreditation Committee believes its mission is to find out what is wrong with a school. I have a simple guideline for accreditation. If a school's program is working, if its graduates have jobs, if its faculty are productive scholars and good teachers, leave the school alone. Accreditation must recognise success as well as failure; it must separate what is necessary in a program from what is desirable.

Modest proposals to improve and preserve the law school accreditation process
J A. Sebert
45 *J Legal Ed* 3, September, 1995, pp 431-440

In June 1995, the ABA and the Department of Justice entered into a consent decree that terminated the latter's investigations into alleged anti-trust violations in connection with the ABA's accreditation of law schools. The consent decree requires the ABA to appoint a special commission to review the ABA's accreditation process of American law schools and to determine whether there should be any revision of the standards, interpretations or rules regarding a number of topics.

On balance, both the ABA accreditation process and the membership review process of the AALS have helped produce dramatic improvements in legal education over the past quarter century. However, there are some ABA standards and interpretations and AALS membership