

LIBRARIES & INFORMATION

Facing the millennium: law schools, law librarians, and information technology

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This article presents some of the administrative and organisational questions that technology poses for legal education, describes the solutions developed at one law school, and discusses possible new roles for library directors in managing and planning the growing integration of information technology into all aspects of legal education.

In legal education, as in business, technology increasingly touches everything and investments in technology make up an increasing part of the costs of providing a legal education. The role of electronic information and technology have extended far beyond the library to reliance on computers for word processing and the focus of computer-assisted research in the law school having shifted from the library to the personal computer resting on the desktop in the faculty office, a student computer lab or the home. Other developments are the full range of communications and information and other resources formerly available only in the law library or through a terminal on the office desktop now being available with the aid of the Internet through the home computer as well. Within the law school, network email systems have become the primary means of communication. Computer-assisted instructional tools have developed steadily to supplement classroom teaching. All these features are evident at Duke University's law school.

Many issues arise in relation to information technology and law schools, which have to decide how to ensure that the technology is used

productively to support what the particular law school is trying to accomplish. It is unlikely that funds will extend to meet all of the hardware and software demands of faculty, staff and students. Technically qualified staff must be hired to maintain networks and supervise and train users. How much of its resources should the law school invest in hardware, software, infrastructure, training, technical support and user assistance? What it comes down to is the need for the law school to have a networking strategy that aligns investments in computing to the goals of the school and shows how networking will contribute to the school's performance in meeting its goals.

Some administrator will serve, perhaps by default, as the equivalent of the chief information officer (CIO) in a business organisation, responsible for planning the development of computing services in the school. Consideration is given as to who should be appointed as the CIO. Law librarians would bring apparent strengths to the role through their experience in understanding and meeting user needs through technology, especially computer-based research services and systems for library data-processing. However, the key qualification is understanding the mission of the law school in order to make information technology decisions in the light of business considerations. It is likely that law deans will increasingly turn to librarians to take on these positions, in part so as to avoid establishing another high-level administrative position.

As information issues extend beyond the library walls to desktops in faculty and staff offices, and in the homes of faculty and students, they will be seen as law school issues requiring institutional solutions. It is likely that the law school librarian will be looked upon more and more as a law school

administrator and less as, simply, the administrator of the library.

PURPOSE

What are law schools for?

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Legal educators need to rethink the nature, the objectives and the actual and potential role of law schools as institutions. It is suggested that too much tends to be taken for granted about such matters when issues of legal education policy are debated. In particular, there is a need to draw a clear distinction between the process of professional formation of lawyers, only part of which takes place in the law schools of any country, and the nature and role of law schools as institutions. It is in the interests of the relevant constituencies that law schools should adopt a broader and more ambitious role than they have in the past.

A number of assumptions are made:

- The primary mission of a university is the advancement, stimulation and dissemination of learning.
- Everyone in society needs some legal education, not all of which will be formal and law schools do not, could not and should not have a monopoly of formal legal education.
- The modern university law school in most common law jurisdictions is largely a post-World War II phenomenon which means that expansion has facilitated diversification in respect of role and pluralism in respect of ideas. It also means that it is in the process of coming of age and there is still scope for rethinking institutional roles.
- Law schools have generally played a quite limited role compared to their potential. At least until recently, advanced or specialised study, where it has existed at all, has been almost invariably treated as marginal. While

it seems likely that the potential demand for legal education will increase, the legal academic profession needs to adjust what it has to offer to consumer demands.

- The discourse of legal education tends to focus on issues and trends that are internal to the law and downplay or ignore the context of higher education as a whole, which may be at least as important.
- Almost all attempts to limit artificially the supply of lawyers and law graduates in the common law world have failed, at least in the medium term.

In modern industrial societies, two main conceptions of the role of the law school have competed for dominance: the law school as a service institution for the profession and the law school as an academic institution devoted to the advancement of learning about law. The professional school model has several variants. First, and most prestigious, is an institution which purports to be the practising legal profession's House of Intellect, providing basic training and education, specialist training, continuing education, basic and applied research, information services and high level consultancy. An intermediate form is the graduate professional school. Its main function is to provide basic vocational education for intending practitioners, who have obtained at least a first degree in some other subject. The graduate business school is the prototype. A third variant, which has developed in some civil law jurisdictions, is the staff college, which provides in-service and advanced training, typically for a specialised cadre, such as prosecutors, the judiciary, or senior law enforcement officials. A fourth variant is the independent professional school run for the practising profession of which the Inns of Court School of Law in England is one example.

The professional school model can be contrasted with the academic model. Again, there are variants, mainly in respect to ambition and prestige. The most ambitious version is the International Legal Centre (ILC) version which focuses on the law school as the Legal System's House of Intellect, dealing with all aspects of the advancement and dissemination of knowledge about law in the modern world and serving many constituencies, including the legal profession in both private and public spheres. It differs from the professional model in three key respects: it is independent of the legal profession; it has a much wider clientele; and its mission is more in tune with the academic ethic. A second version of the academic model is the Law Faculty as a full part of the university, pursuing original research and offering a general education in law at an undergraduate level and a range of post-graduate courses. A third variant is the law school which is essentially an undergraduate teaching institution.

It might be objected that all of these 'models' are essentially 'top-down' design models reflecting the stated objectives of those with power over general policy, rather than the viewpoints of those that the institutions are meant to serve, the customers or consumers. The nub of the matter, however, is that if everyone in society needs some formal legal education then, in most societies, universities can only meet a small part of the need. In some contexts, at least, this provides law schools themselves with some leeway of choice, and it is in most people's interests that they should concentrate on those sectors which they are best equipped to serve.

Law schools in England have three main strategic possibilities: (1) they can continue to conform largely to the academic version of the primary school model, mostly confining themselves to introductory legal

education at undergraduate level; (2) they can move in the direction of becoming service institutions for the profession, as in the United States; or (3) they can move clearly in the direction of the ILC model, diversifying outwards as well as upwards, extending both their clientele and the levels of study with some division of function between institutions. This third model is the one to be embraced so that law schools will become the hub of a healthy and diverse system of legal studies. Law schools need to be given the space to develop into broad-ranging grown-up institutions concentrating on what they are meant to be good at, the intellectual advancement, stimulation and dissemination of learning about law, not just those aspects that relate to the knowledge and skills of private legal practitioners.

RESEARCH

Competence revisited: a summary of research on lawyer competence

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Increasing public criticism of the legal profession and corresponding pressure on self-regulatory bodies in recent years has led many law societies and law faculties to question lawyers' competence. Although a few studies were conducted on legal competence prior to 1980, most of the research on lawyers' competence was conducted in the 1980s.

A number of valuable studies on this subject have been conducted in the United States, England, Australia, Canada and Hong Kong. This article summarises the main research from each of these countries. The studies indicate how difficult it is to research and describe the competent lawyer. There is no generally accepted method of researching competence and none of the resulting descriptions