

Report. The most problematic aspect of the Report is its assumption that because reforms are officially mandated or formally agreed, they actually will happen, and because they happen, they will achieve their intended results. Its failure to come to grips with this fundamental difficulty of implementation speaks eloquently to the continuing reluctance of legal academic and professional culture to absorb the insights of socio-legal scholarship.

*If an Order of Merit is ever initiated, if a pantheon is ever constructed, if poems are ever penned to celebrate brave — but unavailing — contributions to the cause of legal education, the First Report of the Lord Chancellor's Advisory Committee on Legal Education and Conduct will surely enjoy a place of honour.* (p1)

Central to the Report, indeed its most attractive and positive feature, is its recommendation that 'the [undergraduate] degree course should stand as an independent liberal education in the discipline of law, not tied to any specific vocation'. The Report makes clear its support for pluralism in intellectual perspectives, curriculum development, teaching and assessment.

But there is destabilising potential in the Report's premise that law schools and law teachers should enjoy maximum freedom; students will also be free to choose which law school to attend, which subjects to study, which intellectual perspectives to pursue. Consequently, the new enriched and diversified undergraduate curricula proposed by the Report may indeed be adopted by some law schools but these schools may fail to attract newly-empowered student *consumers* who may prefer more conventional institutions.

It assumes that most students will be either high-minded or rationally self-interested, that they will select the law school with the most stimulating curriculum or the one that is most likely to move them towards a particular career goal or to maximise their career options. Unless they are very different from most people in English society, students are not likely to be much motivated by the values embedded in the ACLEC Report, 'the essential link between law and legal practice and the preservation of fundamental democratic rights'; what they want, in all likelihood, is a job, preferably satisfying and well-paid. If jobs are their prime concern, student-consumers may effectively veto the reforms proposed by the Report, by seeking out law schools whose programs are highly instrumental and whose courses are professionally negotiable.

The Committee rejects what it calls 'the false antithesis between *liberal* and *professional* legal education' but the issue is not so easily dismissed. The *raison d'être* of the academy is the disinterested pursuit of knowledge through the fostering of independent, critical intelligence; that of the profession is to make specific forms of knowledge and skill available to, and for the benefit of, its clients. Quite likely, in view of the perceived relevance of practical knowledge, students will tend to favour the vocational over the academic, however the two are combined or sequenced.

ACLEC concludes that since 'both *core* and *contextual* knowledge have become the special preserve of the law schools ... by common consent, initial stage legal education ... today [has become] dramatically better intellectually than it was 25 years ago', that this dramatic improvement is 're-

flected in the academic contribution through research and teaching' and that the expansion of law schools and of staff complements during this period has been 'matched by an impressive growth in the range and depth of legal scholarship'. ACLEC is right so far as it goes, but it does not go far enough. Improvements in legal scholarship and undergraduate education are not separate phenomena which *reflect* or *match* each other; the first is the cause of the second. ACLEC may have proposed two mutually exclusive projects: the revival of liberal legal education and its reintegration with the tasks of vocational education.

The Report has also failed to appreciate that the implementation of even modest reforms depends upon the emergence of a generation of legal academics even better educated and more productive and ambitious than its predecessors.

### **Troubled beginnings: reflections on becoming a lawyer**

J R Elkins

26 *Uni of Memphis L Rev* Summer 1995, pp 1303–1324

Legal education focuses on the law, on clients' legal problems, on judges, courts and judicial decisions in which legal problems are described and pronounced resolved. It is problematic that legal education takes on an overdetermined life of its own. Legal 'practices' and 'education' are pursued in such a relentless and driven way that reflection and introspection and the questions which energise them come to be seen as peripheral. They are a luxury to be taken up when the basics have been mastered.

Many assumptions which are a part of legal education have been subject to serious critique for over 50 years.

Classical legal thinking has been criticised by scholars of Critical Legal Studies, feminist jurisprudence and Critical Race Theory. Literature and narrative have become significant forces in the critique genre; popular culture has also taken a critical stance in its portrayal of legal actors, who find the legal world and legal education problematic. In this article, there is a discussion of the legal world view of Rudy Baylor, a law student / lawyer in John Grisham's novel *The Rainmaker*.

*The Rainmaker* begins with Rudy explaining why he chose to become a lawyer — 'My decision to become a lawyer was irrevocably sealed when I realised my father hated the legal profession.' Rudy Baylor enters the law to register protest against his father or perhaps unconsciously to set about replacing an absent, unloving father.

Rudy Baylor, like many lawyers, sometimes finds it necessary to explain how he found his way into law. Mitch McDeere, the lawyer protagonist in an earlier Grisham novel, *The Firm*, is a small-town, western Kentucky boy who manages to succeed at Harvard Law School and is ready to capitalise on his hard work and educational success. Mitch McDeere has driven himself hard — hard enough that one suspects he has a strong psychological need to prove something to somebody.

Law sets one upon a heroic journey, a mythical quest under-written by psychological need. The legal world beckons those who would move from periphery to centre, inaction to action, silence to speech, vulnerability to empowerment, slave to master. We come to the law to prove to ourselves and the world that we are competent, strong and virile. Law is attractive to those with high-minded ideals, a

sense of entitlement and a touch of narcissism.

We become lawyers only by making our way through the eye of the needle — legal education. Some students do not find legal education all that wondrous. Rudy Baylor says 'My classes this Spring are a joke — Sports Law, Art Law, Selected Readings from the Napoleonic Code and, my favourite, Legal Problems of the Elderly.' When Baylor describes the teacher of his 'Geezer Law' course, Professor Smoot, we begin to get a better idea of what has gone wrong for Baylor personally, if not for legal education in general — 'He's a kindly soul .. and for 20 years he's taught the kindly courses no one wants to teach and few students want to take .. Children's Rights, Law of the Disabled, Seminar on Domestic Violence .. It's his opinion that all students enter law school with a certain amount of idealism and desire to serve the public but after three years of brutal competition we care for nothing but the right job with the right firm where we can make partner in seven years and earn big bucks. He's right about this.'

The sincerity of the Professor's concern and the truth of his observations do not spare him the contempt of his students. The life he fears for his students is the life that Rudy Baylor and his colleagues assume will not befall them; they will succeed notwithstanding the failure of those who have gone before them — they are on a disguised, heroic quest. For those seeking to take up life in the Law Firm World of imagined privileges, honours and rewards, Smoot seems an obstacle, standing against the power and glory that his students seek.

Rudy Baylor's despair arises because he is unable to embrace Professor Smoot's ideals of public service and does not see the pitfalls of a profes-

sional life that does not take adequate account of those whom society deems marginal — the disabled, the mentally ill, victims of domestic violence and the forgotten elderly. As Professor Smoot's concerns are institutionally marginalised, the law students who learn to *hate* law school will multiply and their bad feelings will find an ultimate expression in their professional lives.

The time of automatic succession to the legal world and a career that provides a safe haven is now over. It is no longer possible to study, graduate and become a lawyer and all that brings with it: respect, privilege and financial security. We need to explore and explain what brings us to law and how we should deal with the disparity between the ideal and the real world.

There is a growing disjuncture between the traditionalists and contemporary law teachers. The 'new' professor finds legal education troubling and sees law as an 'integrative' discipline. Legal education takes place in a world where all but the most devoted traditionalists are practitioners of doubt. Anthony Kronman, dean of the Yale Law School, and others argue that we have entered a perilous time with the passing of those lawyers who loved law deeply and acted as statesmen within the legal arena. When law students are driven by practical concerns and have no affinity for the statesman ideal, they will find professors like Smoot irrelevant, incompetent and targets for ridicule.

### **Educating the 21<sup>st</sup> century lawyer**

R C Cumbow

32 *Idaho L Rev*, 1996, pp 407–416

Lawyer bashing is rooted, not in mere resentment of lawyers as a necessary evil, but in the disillusioned belief that