with respect to their existing and proposed CPD provision. All the plaudits are reserved for the Society, which is congratulated on having demonstrated its commitment to a comprehensive mandatory scheme. Originally applying only to solicitors in their first three years, the Society currently mandates CPD participation for all its members admitted since 1982, with the intention of extending this obligation to all categories of solicitors in 1998. By contrast, the Bar Council is viewed as the more recalcitrant with respect to CPD, despite its introduction of a compulsory training scheme for new barristers. The Committee sets out in the report to debunk the Bar Council's arguments against widening this scheme to established practitioners on the bases of the Bar's referral nature, the high levels of competency residing in its ranks, its different working practices and its existing educational resources. These arguments do not wash with the Committee, which recommends a staged extension of the scheme to cover all the Bar's members.

Although this second report of the Advisory Committee, because of its impeccable pedigree, must bear close study, in many respects it is a disappointing and unremarkable document. By repeating the commonly offered arguments without any real attempt at analysis, it fails to make any significant impact on the intellectual debate about CPD and the merits of mandating participation. Hence, with the benefit of hindsight, in all likelihood it will be judged to have made a less significant contribution to the future shape of the post-admission training and education of legal practitioners in the UK than the mark its first report is likely to leave upon their initial academic and vocational preparation for practice.

Editor

LEGAL EDUCATION GENERALLY

Contemporary legal education: a critique and proposal for reform
W P Kralovec
32 *Willamette L Rev* 3, Summer 1996, pp 577–592

There are many reasons why the graduate study of law should be an exciting and deeply rewarding intellectual experience. Unfortunately, contemporary legal education fails to achieve this magnificent potential. For many students, law school is not only rigorous and demanding (as it should be), but also personally demeaning and emotionally traumatic. Those who manage to survive it frequently look back on their coursework as a tedious enterprise that was largely irrelevant to their work as practitioners. In addition, rather than broadening a student's mind and heart, legal training tends to narrow the mind and deaden the emotions.

Perhaps the most striking negative feature of contemporary legal education, from a student's standpoint, is the needless infliction of psychological harm. The primary vehicles through which this harm is inflicted are the irrational first-year pedagogy and the relentless institutional focus on competitive standing. The pedagogy is irrational because virtually no account is taken of the fact that most students begin law school without prior legal training and no real effort is made to fill this educational gap. Instead, the traditional approach is to tell students they must learn to 'think like lawyers', while classes are conducted as if students already possess this ability. The competitive nature of law school defeats what should be one of the primary purposes of legal training: to imbue students with a deep and abiding commitment to providing the highest quality of service to their clients. A further serious defect with conventional legal education is its tendency to undermine moral integrity. This harm occurs because contemporary legal training systematically separates the mastery of technique from moral and political concerns.

From a scholarly standpoint, the most striking feature of legal training is its intellectual poverty. This poverty involves far more than the absence of curricular diversity. Rather, it flows from the basic structure of conventional legal education itself. Contemporary legal education focuses almost exclusively on the single skill of 'legal reasoning', yet this skill is quickly acquired. The balance of the training consists primarily of memorisation of doctrine. This doctrinal accumulation is never fashioned into a conceptual whole. Instead, it remains a mere congress of contemporary rules and arcane common law that is largely forgotten soon after the exam. Legal educators have fashioned a program of instruction that has less technical depth than law practice and less conceptual depth than other areas of graduate study.

It is also important to consider the frequently advanced thesis that graduate legal study is necessarily difficult and stressful because of the demanding nature of the profession and because students must compete for a limited number of desirable legal jobs. Litigating for a large firm is an extraordinarily demanding job. However, this is only one type of law practice in one area of the legal community. There is, therefore, no reason to structure the entire process of legal education as a training ground for corporate litigators. With respect to the competitive nature of the job market, that undeniable fact does not jus-

tify a competitively oriented program of graduate training.

Law schools must produce creative and compassionate problem-solvers who can fill various roles in a rapidly evolving society. Lawyers need to know what the public expects and demands, and the public needs to know what lawyers realistically can achieve. Once crafted, this shared professional identity must inform every aspect of legal education. Service needs to be the central component. Lawyers have the honour and responsibility of helping their fellow humans in matters of great personal and social interest and importance.

Another way in which cohesion and meaning can be brought to the task of legal education is by developing a sense of common intellectual enterprise between faculty and students. This perspective can be cultivated in the same way it is now sustained in other graduate settings. In addition, the relationship between law study and practice must be reworked thoroughly. Perhaps the current configuration should be reversed. At present, law school begins as a purely academic experience, with students becoming progressively more involved in law practice as their training continues. Pedagogically, it would make much more sense to begin with an immersion experience in law practice so students would have a context for their classroom studies.

Here is a specific proposal for an alternative institutional configuration for the study of law. Its most significant curricular innovation would be the Practicum component. This would involve matching each first-year student with an attorney who is interested in contributing to the professional and intellectual development of his or her student. The second and third year would continue the Practicum component. There would also be Legal Studies, Provision of Legal Services, and Legal Ethics and Professionalism. Provision of Legal Services would involve both a descriptive and normative inquiry into the delivery of dispute resolution services to the public.

The final reform that should be considered is the abolition of 'Law Review' — i.e. student-edited legal journals. Law review plays a significant role in creating the competitive and hierarchical character of law schools. With respect to the publication of scholarly work, graduate students patently lack the capacity to make informed judgments on the scholarly merit of submitted work.

Some movement in the direction of spiritual depth could be achieved within existing institutional confines. Our current legal order, on the other hand, simply assumes the legitimacy of self-interest in all its myriad manifestations, making lawyers and legal institutions the passive instruments for effectuating these interests. What sorts of institutional change would be required, however, is not at all clear. Perhaps what is needed is a change of heart, rather than a change in institutional structure. How can we best re-unite the law with our most fundamental spiritual insights?

MANDATORY CLE

Mandatory continuing legal education: 'imprisonment in the continuing professional education classroom?'
T Cockburn
14 *J Prof L Educ* 2, 1996, pp 227–240

Continuing professional education encompasses the formal and informal means of maintaining an existing knowledge base by updating on changes and acquiring new knowledge connected to the practice of the professional in order to extend and amplify knowledge, sensitiveness or skills. Although there is no commonly accepted definition of a profession, the characteristics of a professional include a commitment to an ongoing process of self-education after initial training and the development and maintenance of critical thinking.

Ideally, as a professional one should be 'professional' and directed enough to undertake further training and education from an autonomous rather than compulsory position. Non-participation in voluntary continuing professional development programs is therefore indicative of failure by professionals to be 'professional'. Most professionals therefore acknowledge that initial compliance with professional admission requirements through undergraduate education does not suffice to practise indefinitely without a commitment to maintain standards and continue education through the professional life.

Properly trained professionals should be taught how to learn and continue to do so throughout their professional life as an important part of their undergraduate education by being introduced to the variety of ways in which practitioners deal with unfamiliar issues.

While both voluntary continuing legal education and MCLE aim to improve the quality of legal services, the objectives of each differ. Voluntary continuing legal education is usually advocated as a means of keeping up-to-date, while MCLE is promoted as a means of improving the competence and quality of performance. Voluntary continuing professional education is therefore what all profession-