

tellectual, emotional, physical, and spiritual dimensions.

Law schools contribute to the breakdown of students' interconnections in several ways. First, the inordinate amount of time required for study leaves little time for family and friends. Secondly, students' preoccupation with their new environment (including people, terminology, teaching methods, and thinking style) may cut them off from those outside law school. Thirdly, use of their new skills (such as disputation) may alienate the 'outsiders' in their lives.

Law school affords few opportunities for students to develop new support networks. Students tend not to establish close relationships with their teachers because of the relatively high student/faculty ratio, the predominance of large classes, the lack of regular feedback, and the common perception that the faculty are distant and unsupportive. Perhaps more importantly, law school is so competitive that students may have difficulty developing supportive relationships even with their peers. The focus is on individual effort. Alternative teaching methods that encourage students to collaborate, such as role playing and small-group exercises, are used very little in traditional courses.

Law school also interferes with students' intraconnections – emotional, spiritual, and physical. Students report that, at least partially because of law school's intellectual emphasis, they learn to suppress their feelings and come to care less about others. The adversarial environment of the law school teaches them that their value systems are irrelevant.

The negative effects of legal education may be more pronounced in female than in male students – in their academic performance and also in their emotional state. There is persuasive empirical evidence that women do not perform as well as men in law school, despite equivalent academic credentials at the time of their admission. In addition, anecdotal evidence suggests that the emotional impact

of law school is significantly more acute on women than on men.

Women may react more negatively to law school, both because they are more sensitive than men are to the stressful environment and because they are subjected to additional stresses. In general, women may find the predominant methods of classroom instruction more alienating than men. They may be more predisposed to work collaboratively, for example. Law teachers have long assumed that class participation helps students develop reasoning and communication skills. If women have fewer opportunities to participate in class in a meaningful way, they have less chance to develop these essential skills.

It stands to reason that the development and maintenance of inter- and intraconnections should help prevent emotional dysfunction. Some of the following suggestions stretch the traditional boundaries of the legal academy's duties. Because of the potential positive impact on students' education and careers, however, law schools and faculty should seriously consider expanding their traditional roles.

Positive student/faculty relationships are important to the success of many law students. Law faculty are instrumental in serving as mentors and providing encouragement. Efforts by individual teachers to make themselves available outside of class and to provide verbal encouragement and emotional support could be quite effective in creating a more supportive environment.

Law schools can make positive peer relationships more likely by de-emphasising competition among students and by taking affirmative steps to encourage peer support groups. First-year students can be offered at least one opportunity to learn in a small ungraded setting. Even graded courses could be more conducive to collaborative interactions if they used methods such as drafting exercises, small-group exercises, and role play, in addition to the Socratic method.

Law schools could also encourage the maintenance of intraconnections. Students have reported the loss of personal values as one of the most disturbing aspects of their legal education. Every law course needs to explore the underlying values of the branch of law in question. In addition, law schools should encourage students to integrate their personal value systems into their legal education and into the practice of law.

Law schools have not dealt effectively with law student/graduate/practitioner dysfunction. If this is to change, law schools need to acknowledge at least partial responsibility for the dysfunction and, to the extent possible, reduce the causes.

TEACHERS

The professional assessment of legal academics: on the shift from evaluator judgment to market evaluations

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This essay speculates about the causes and consequences of a disturbing development in the assessment of legal academics by legal academics: the substitution of 'market evaluations' for direct personal assessments of quality.

Most law schools have substituted numerical 'market evaluations' by the direct consumers of teaching for faculty assessment of teaching quality, despite the fact that law students are simply not well placed to assess the value of a course or the quality of an instructor's teaching. In the author's judgment, law schools that want to assess teaching should do so in a number of ways: they should have a reasonable number of faculty members or outside experts attend enough classes to be able to make a well-informed assessment; they should have faculty members or outsiders read a random sample of papers or exams written by the students of the teacher to be assessed; and they should look at students' written comments and interview students

whose judgments they have special reason to trust.

In practice, however, law faculties rely almost exclusively on the average numerical evaluation a teacher receives from all students who return a class evaluation — i.e. on the average evaluation of the direct consumers of the pedagogic service. To the author, this practice is indefensible. It manifests professors' doubts about their own pedagogic expertise and the value of what they have to teach.

In terms of legal scholarship, assessments are also increasingly market-based rather than personal assessment based. Faculty pay increasing attention to the status of the publication in which scholarship appears. In reality, however, the correlation between a law review's status and the quality of the articles it publishes is not high. Faculty assessments of legal scholarship also give substantial weight to data about the frequency with which the work has been cited in other academic publications. Since many frequently cited articles are cited because they contain succinct statements of boilerplate propositions of law or of a particular academic approach to some set of issues, or because they fall squarely within a particular academic paradigm whose proponents make a practice of citing each other, the frequency of the authors' citations has little to do with their influence, much less with the quality of their work. Law faculties also sometimes base their assessment of scholarship on whether the author is regarded as a 'player' by other 'leading figures' in the field. The correlation between being recognised as a leader and doing good scholarship is too low to justify this practice.

The current generation of law teachers is simply more interested in acceptance than substance. Perhaps, the author suggests, that is because they are relativists about legal and scientific truth as well as about moral truth. If there is no objective metric for scholarship quality, all that remains is acceptance.

Four explanations are offered for this trend to using market evaluations of academic performance. First, legal academics have become sceptical about the distinction between morally legitimate and morally illegitimate legal argument and, relatedly, the existence of internally right answers to legal rights questions. Secondly, the trend may also reflect the increased diversity of scholarly approaches. This heterogeneity of genre and approach may explain the attempt of law teachers to rank each other in ways that are numerical and apparently objective. Thirdly, although legal academics at high-status law schools have traditionally tried to separate themselves from members of the practising bar, it seems likely that they may be particularly prone to substitute market evaluations for personal objective judgments of quality, because they belong to a larger profession in which they are a minority. Most of the members are practising lawyers who are more interested in whether an argument will be persuasive to the decision-makers their clients want them to convince, than in whether the argument is objectively correct. Finally, the shift to market evaluations in the legal academy may be part of the general trend to believe in the desirability of market outcomes, which is likely to be particularly strong in the United States, where interpersonal relations and private choices seem to be particularly influenced by market indicators — i.e. by image considerations.

Several consequential considerations lead the author to conclude that the shift to market evaluations is undesirable. First, to the extent that the shift manifests and reinforces the belief that there are no internally right answers to moral rights and legal rights questions, it undermines society's moral identity. Secondly, the shift has caused some faculty to alter their teaching in pedagogically unjustified ways to secure better ratings. Thirdly, the shift is undesirable because it encourages legal academics to write articles that will be accepted by leading

journals and cited by their colleagues even when such writing involves the sacrifice of academic quality. More specifically, it leads academic lawyers to address fashionable topics, to eschew the kind of complicated doctrinal, methodological, empirical, and sophisticated interdisciplinary work that law review editors tend to reject, and to substitute facile, apparently easy-to-understand approaches and conclusions for the more difficult approaches and complicated conclusions that capture more of the 'truth'. Fourthly, the shift to market evaluation encourages legal academics to devote energy to social activities that have little academic product but increase the probability that they will be regarded as 'players' in their field. Fifthly, the shift discourages both social and academically substantive interaction within law faculties by reducing the extent to which institutional rewards depend upon one's colleagues' personal assessment of quality. Sixthly, faculties are encouraged to defer to student opinions even on matters where faculty clearly have the greater expertise and a less biased set of incentives. Seventhly, and most directly, the shift is undesirable because it means that faculty decisions about hiring, promotion, salary, and chairs are less positively correlated with the objective quality of the academic performance of the person being evaluated.

The trend to market evaluations of law teachers' academic performance is highly undesirable. Law faculties should make every effort to combat and reverse it.

TEACHING METHODS & MEDIA

Teach in context: responding to diverse student voices helps all students learn

P Lustbader

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Because most law school pedagogy tends to teach to a generic student, it does not