

in recent years, many of those going to medium- or small-firm practice, or taking public service or public interest jobs, will have difficulty in paying off their debt within the ten-year period that presently is the normal repayment period for federally guaranteed student loans.

A significant part of the increase in the cost of legal education over the 1990s is due to attempts by law schools to ameliorate the problem of student debt through dramatically increased law school financial aid. A more significant portion of the cost increases is due to competition by law schools for students (through increased admissions recruiting and increased merit scholarships) and for reputational ranking (for example, through glossy publications). Technology again has been a major contributor to cost increases. In the 1980s the technology costs were primarily for online library resources. In the 1990s the primary technology costs were in hardware (providing state-of-the-art computers for faculty, staff, and students); increasingly sophisticated software systems (including for administrative functions); the staff to enable faculty, students and staff to use the new technology; and (near the end of the decade) new and expensive technology for use in the classroom and distance education.

The marked increase in the level of law student borrowing between 1990 and 2000 seems to have been caused by five primary factors: the significant reduction in the level of state support for higher and legal education over the decade; the substantial increase in tuition at both public and private schools; the major increase that occurred in 1993 in the amounts that law students may borrow under federally guaranteed loan programs; a significant reduction over the decade in the amount and portion of law school expenses that are paid by students' parents; and an inclination by law students (often with parental encouragement) to borrow the maximum that they can (at the relatively low rates of federally guaranteed student loans and supplemental private loans), even if they do not actually need to borrow the maximum amount.

How can law school avoid the positional arms race of ever increasing competition for students, faculty and ranking, and the resulting rapidly increasing tuition costs and debt that non-scholarship students bear? Is it possible to design an equitable and effective loan forgiveness program that will assist a substantial number of law graduates who are faced with high student debt and relatively low salaries? How can such a program be financed and implemented?

Should more students be encouraged to attend law school part time, so that they can use their earnings during law school to lower their eventual debt burden? Are there different or better part-time models than the traditional even program? What measures can law schools implement that might reduce substantially the costs of legal education without significantly impairing quality? For example, are there potential savings in the areas of library, information technology, support services or faculty? What possibilities exist with respect to the use of educational technology? Are there new sources of revenue that law schools might responsibly tap in order to supplement the traditional sources (tuition, state appropriations, and private giving) for funding JD education? How would implementing significant numbers of such programs affect the core mission of a law school? To what extent are such programs, if they are implemented in a manner consistent with the standards of quality to which law schools aspire, likely to produce substantial net revenue?

The pedagogy of domestic violence law: situation domestic violence work in law schools — adding the lenses of race and class

S Buel

11 *Am U J Gender Soc Pol'y & L*, 2003, pp 309–355

As domestic violence presents itself across a spectrum of legal matters, law schools must take a leadership role in the pedagogy of domestic violence law, in part by integrating relevant issues into existing courses and by developing specialised courses. Lawyers inadvertently failing to ethically represent abuse victims and offenders, as well as those reluctant to handle the cases at all, could greatly benefit from the inclusion of these issues in CLE and law school courses. Since several states are now adding domestic violence-related questions to bar exams, students not exposed to this body of law will be at a loss in yet another arena.

The legal and social challenges faced by battered women must inform the scholarship and pedagogy of law. Some students, like some lawyers, find it uncomfortable to hear details of abuse, as so often victims live with such unimaginable terror, the likes of which lawyers and courts have no concept. Frequently overlooked, but critical to address throughout the academy's efforts, is a fundamental understanding of the ways in which race and class impact ethical practice, in part by impeding access to legal remedies. Weaving themes of domestic violence, race and class together, we can offer an expansive menu of options, hoping to ultimately reach every law student.

Law school presents an opportune environment in which to introduce domestic violence jurisprudence in at least five areas: (1) integrating domestic violence law into existing courses;

INDIVIDUAL SUBJECTS/ AREAS OF LAW

(2) creating specialised Domestic Violence and the Law courses; (3) implementing clinical programs that represent abuse victims; (4) including domestic violence scholars in law school colloquia and conferences; and (5) supporting student-run victim advocacy organisations.

Teaching is deficient if focused solely on black letter law, for that limited scrutiny omits examination of the intersectionality of race, culture, ethnicity, gender and class. Intersectionality offers a mechanism to locate the position of those whom identity politics is likely to marginalise. Race, class, gender, and sexual orientation interact to shape a person's experiences and construction of the social world. Theory must be explored for its ability to teach that domestic violence law is not simply an autonomous discipline, but rather, an exciting and burgeoning genre of jurisprudence with illuminating correlates in most areas of the law.

To move students beyond a superficial exploration of the issues, they must be exposed to current debates and conflicting views. The construction of domestic violence involves competing ideologies, with the national conversation focusing primarily on two ideologies regarding the linguistic politics. The first adopts a gender-neutral 'family violence' approach, while the second reflects the feminist 'violence against women' position.

Situating race and class issues within domestic violence jurisprudence is not only logical, but essential. Effective integration of these topics requires an unflinching recognition of the academy's historic silence and worse, complicity, in ensuring that race and class are not explored in a manner that engenders needed reforms. As people of colour and the poor continue to experience disproportionate rates of arrest, prosecution and sentencing, the academy — and certainly feminist legal scholars — ought to be teaching racialist law reform. Critical Race Theory seeks to integrate racial analysis within legal doctrine and opinions, based on the evidence that traditional doctrinal analysis fails to address the ongoing conundrum of firmly rooted, institutional racism.

A law professor can integrate teaching tolerance with discourse on racial disparities, as each informs the other regarding the ethical practice of law. Racial tolerance, or better yet, celebration, cannot be adequately tested within the vacuum of a heterogeneous student body and faculty, undergirding the arguments for considering race as a factor in determining admission to law school.

Criminal law courses offer an obvious opportunity to discuss prosecution and defense issues inherent in domestic violence cases, including representation of battered defendants and the perpetrators of domestic violence. Contracts and family law courses can examine implications of prenuptial agreements, marriage, divorce, child custody, visitation and child support agreements. In Property Law, protective and divorce vacate orders raise questions regarding mortgage and rental and cohabitation agreements, and whose rights are recognised or overridden. In addition, courses on civil rights, property, alternative dispute resolution, gender studies, human rights, feminist jurisprudence, health, international, and poverty law present exciting opportunities to teach applicable domestic violence law.

Students read about critical race and feminist legal theories in the context of domestic violence, particularly focusing on the intersectionality of race, gender and violence. In class, we then debate the premises of such theories and explore the ways in which they can be translated into practice. While many of the author's students have previously read some form of feminist scholarship, most report that they are unfamiliar with Critical Race Theory and its implications for needed reforms. Both students of color and white students uniformly express appreciation for the chance to explore the complex and varied theories regarding race and the law.

Clinical programs encourage the pedagogical goal of melding theory and practice. Students consistently request practical skills teaching, which can easily be combined with opining in legal theory when addressing domestic violence and poverty law issues. There generally exists a hostile dynamic between those representing batterers versus those representing victims. However, through law school clinics the attorneys can address the challenge of teaching students who represent victims or perpetrators to be zealous and devoted advocates-but also to care about social and legal injustice on both sides.

Law schools must include legal scholars with expertise in domestic violence matters in their colloquia, symposia, conferences and related speaking events. It is logical to situate the teaching of domestic violence law in the academy, but only if we ensure that our work is informed by experienced battered women's advocates, and if we responsibly address the significant race and class issues. Feminist legal scholars, professors and concerned students should be celebrating that abuse victims are increasingly turning to the courts for protection from abuse, for they offer us the opportunity to use the law to save lives. Law schools can take a leadership role by modeling the integration of domestic violence law into existing courses, offering specialised seminars, scholarly colloquia, and fully supporting clinics, student run advocacy programs and conferences.