International Conference on the Future of Legal Education
Abstracts

LARRY BACKER

Many law schools are now wrestling with issues relating to the incorporation of a transnational legal component—including elements of international, comparative, foreign and transnational law—within their teaching and scholarship missions. These changes mirror discussions within the legal academy over a move from a "national law practice" to a multi-jurisdictional practice model of legal education. Yet these two great reform efforts have developed along parallel tracks. This paper looks at the development of these parallel discussions of reform of legal education. The paper starts with a review of *Educating Lawyers*. The focus is on the basic assumptions about legal education underlying the suggestions for the changes proposed. Part II examines critically the several strands of proposals for a movement in American legal education from a national to a transnational focus in this century. The paper suggests an analytical framework for evaluating these interaction proposals and for evaluating the ways in which these methods seek to incorporate the transborder element in law school curricular, research and service activities. These are divided into five categories—three are elaborations of traditional models and two others, an immersion model and separation model, represent emerging framework structures. Part III considers these models of integration in light of the foundational model of apprenticeship proposed in *Educating Lawyers*. It suggests that transborder legal education can be integrated in legal education within the framework of *Educating Lawyers* but that not all emerging models of such integration are compatible with that framework.

JOHN BERRY

A thorough review of the history in Florida of the Henry Latimer Center for Professionalism and the Supreme Court Commission on Professionalism shows many fine efforts toward rallying the forces interested in seeing the professionalism of lawyers enhanced However, these efforts have not had the desired result of major changes in unprofessional behavior, and it is appropriate now for a re-direction of efforts to focus on law schools

Why should there be a focus upon law schools rather than law firms or other segments of the profession? Study after study confirms that students begin law school far more idealistic than when they graduate. If that trend could be reversed then it is reasonable to believe that they will start their legal careers much more well-grounded and prepared to maintain a higher level of professionalism. Starting where change in behavior is most likely and where innovation will be more easily implemented and accepted is logical. What is learned in the study of training innovations in law schools may provide keys to the inevitable expansion of professionalism training to other segments of the profession. Once a clear pattern has been established in the law schools, reinforcement of the proper patterns will be necessary and may then be transferred to the lawyer population as a whole.

Reform of the law school experience is already ongoing. Innovative instructional efforts are taking hold in a small number of law schools and others have perceived a need to make changes. Accordingly, the Henry Latimer Center for Professionalism and the Florida Supreme Court Commission on Professionalism have decided that the resources of the Center and any grant funding available will have greater impact with this new focus.

MARY LU BILEK

The law program at City University of New York (CUNY) developed in the wake of the birth of the clinical legal education movement, the professionalization of the teaching of legal writing, the application of cognitive and meta-cognitive theory to legal education, and the rise of new voices (women and people of color) in the academy. The touchstone for every decision in the creation of the law school – from who to hire, to who to admit, to what courses to teach, to what books to buy, to academic policies, to how to teach, to what pictures to put on the wall -- was the law school's dual mission to graduate excellent public interest lawyers and to provide access to the profession for underrepresented groups.

Commitment to integration throughout the program led to unique opportunities for creative collaboration

among the faculty and with the students. Commitment to use the three years to develop professionals gave rise to a sequenced three-year program in which lawyering skills, professional habits and values, and critical perspectives interact recursively with more standard doctrinal fare to provide successively more complex opportunities for students to "practice" being lawyers. Putting the students' development into thoughtful, moral, responsible, competent professionals at the center of the enterprise shifts the experience, unsettles the power dynamic, requires constant communication about what we are doing and why, and creates new responsibilities to continually evaluate and refine the program to meet students' current needs and to insure that the program is suited to meet the needs of their clients when they graduate.

CUNY has developed two new programs that extend our commitment to developing legal professionals beyond the three-year frame of the law school experience to include a Pipeline to Justice Program designed to provide access to applicants from underrepresented groups and an incubator project for new attorneys in solo and small firm practice embedded in communities currently without access to legal representation. Commitment to integrate across the program, to provide sequenced opportunities for students to develop across the broad range of skills, habits, and values necessary for quality legal representation, and to scaffold each of our students in the developing a personal justice mission and to integrate personal identity with professional identity creates enormous demands on faculty. These demands, however, are easily outweighed by the benefits derived from having a clear, shared vision of what success would look like – and seeing it in the struggles of our graduates to find a way to support themselves while doing good, to bring justice to communities where there is none, and to use the law as a tool for social change.

DIEGO BLAZQUEZ-MARTIN

Spanish legal education is now facing great challenges. Some of them come from the so called "Bologna Process" to build the European Space of Higher Education. But under this European demand, a deeper stream of social, political, economical and cultural changes make a new generation of law schools and their professors to lead a process of evolution from traditional legal education to achieve a very important social goal, especially in a country where most of the law schools depend on the State: the training of a modern model of jurist, the one that a modern, supportive and developed society needs. The experience of the Law Clinic at the Instituto de Derechos Humanos "Bartolomé de las Casas" of Carlos III University of Madrid is part of this process.

MATTHEW BODIE, GENE KOO & CHRISTIAN TURNER

We sit at a critical juncture where the old models of publishing are not keeping pace with the innovation demanded by law school reform. Business research has shown that rapid prototyping and faster cycles for product updating are key drivers of successful innovation. If casebooks are to lead rather than hold back law school reform, we must harness the wisdom of law professors across the world in a common endeavor, with or without the support of traditional publishers. Despite dramatic technological change, the thick, attractively bound casebook remains ensconced as the written centerpiece of legal education. The legal academy should implement an open source approach to future course materials. Professors could establish electronic commons casebooks with a myriad of materials for every course. These joint databases would unshackle individual creativity while engendering collaboration on levels previously impossible. The ***eLangdell*** initiative now underway, led by the Center for Computer-Assisted Legal Instruction and the Berkman Center for Internet & Society at Harvard Law School, is intended to turn the promise of open-source casebooks into a reality.

MARTIN BOHMER

When we started legal education reform attempts in Argentina in the early 90s we had to justify what looked like an impossible task. The difference is that now most of the actors agree about the sea change that constitutional democracy brought to our legal systems and even the traditional civil lawyers are searching for ways to understand what is going on. Thus, legal education reform is now not only possible, but required.

Courses have to be redefined to accommodate the shift from a single source of law (the Code) to multiple sources: the Constitution, institutional treaties, other laws, precedents, practices. These sources represent different claims to authority: moral principles, democratic decisions, practices that turned into traditions and even the concern for costs, thus legal reasoning calls for a reconceptualization. New skills are also required, and materials to train students in these skills should be created, as well as a general perspective on the role of the lawyer in the building of this new rule of law, or one we are calling a new approach to legal ethics. A different legal education, a more demanding one, also needs professors fully devoted to teaching and researching and with a keen sense of their role as founders of these new legal education systems.

SANDE BUHAI

The Carnegie report is the latest of a number of critiques of legal education, particularly its focus on the case method and lack of real-life training. This presentation discusses how externship programs can fulfill the goals identified in the report for the second apprenticeship of practice, and the third apprenticeship of a professional identity. A well designed externship program can do an excellent job of meeting the goals of the second and third apprenticeships. Externships are particularly well-suited to deliver the educational content of both the second and third apprenticeships. By placing students in actual practice situations, students grapple with the realities of clients, cases, and courts. Students work with mentoring attorneys and have opportunities to reflect on their field experience with faculty and with other students. This structure fosters the learning of practice skills and the development of ethical judgment and professional identity.

HIRAM CHODOSH

I propose to provide (1) a constructive critique of he Carnegie Report, (2) a broader vision of five challenges confronting legal education, (3) a proposal for meeting these challenges, (4) specific examples of ways in which we are implementing transitional programs here at the University of Utah, with commentary on challenges and draw-backs along the way. The five areas of concentration in the critique, vision, proposal, and implementation are (1) topic-driven forms of collaboration (both internal and especially external), (2) leadership and experiential hands-on training, (3) cross-disciplinary training, (4) application of technology, and (5) transnational training.

GARY DAVIS

Gary Davis will first provide a brief description of the innovative Degree of Bachelor of Laws and Legal Practice, which was introduced by Flinders Law School in 1999 to incorporate practical legal training as part of the undergraduate degree in law. Students are able to complete all requirements for admission to practice as a lawyer as part of their undergraduate education. Part of the delivery of the practical legal training component is achieved through an agreement between Flinders University and The Law Society of South Australia. The incorporation of practical legal training into the degree flows from a philosophy articulated from the establishment of the Flinders law degree whereby skills training is integrated with the study of substantive law topics. These skills enhance the appreciation of the ways in which legal rights and obligations are given effect in practice but are relevant to almost all applications of legal knowledge not just legal practice.

He will then discuss the "Discipline Based Initiative" (DBI) in Law which the Carrick Institute for Learning and Teaching in Higher Education has funded the Council of Australian Law Deans to undertake in 2008 and for which he is the Director. The objective of the DBI is to work towards generating a future-oriented vision that can be drawn upon for curriculum regeneration and productive engagement among stakeholders, taking stock of disciplinary strengths, directions and outputs in order to better prepare law graduates to meet the nation's agendas and employment needs. The Law DBI offers a guide for instituting and managing change within legal education. Finally, he will report on the preliminary insights gained from an initial stocktake of the teaching of ethics and professional conduct in Australian law schools.

MAKSYMILIAN DELMAR

This paper argues that the development of ethical education in law schools ought not to be restricted to the use of textual resources. In the first part of the paper, the continuing dominance of text as the object of analysis in legal theory, legal scholarship and legal practice is illustrated. The dangerous implications of this continuing dominance on the capacity to see and recognise the great variety and depth of suffering and vulnerability is also discussed. It is argued that recourse ought to be had to those traditions of moral philosophy that emphasise the importance of cultivating vision as a form of moral discipline – a discipline, in turn, that can benefit a great deal from the use of non-textual resources, and in particular, from both the appreciation of and involvement in the visual and movement-based arts. In the second part of the paper the treatment of ethical education in the recent Carnegie Foundation for the Advancement of Teaching Report on Educating Lawyers is discussed. It is argued that we ought not to subsume the development of ethical education under the canopy of professionalism – a canopy already saturated with text, both in the form of the substantive and procedural law that is expected to be applied, and in the form of the evaluation of professional conduct in accordance with the relevant professional code. Finally, in the third part of the paper, a number of policy recommendations are made. Ultimately, the paper calls for an ethical education that combines both textual and non-textual resources. It is only via such a combination that law schools can provide sufficient opportunities for the range of ethical experiences that are required in order to enhance the effective development of the ethical imagination in law students.

DANIEL FILLER

Drexel University, a 20,000 student research university, opened its new law school in the Fall of 2006. In addition to high level research (largely in the sciences and engineering), Drexel is also known for its commitment to experiential learning embodied by its extensive undergraduate Co-op program. Drexel Law is committed to a similar approach, seeking to develop a top tier research faculty that embraces effective, practical approaches to law teaching. One significant component of this vision is a Co-op program which is a 14 credit, two-quarter long externship. At this point, over 60% of all second year students have participated in Co-op. The commitment to practical learning extends beyond the Co-op, however. It is evident in status arrangements: legal writing professors are tenured or tenure-track, and clinical faculty will be as well. It is visible in the hiring process, where candidates are frequently grilled about how they might use their practice experience to inform teaching. This commitment has paid off in the form of a more creative, risk-embracing, practice-oriented pedagogy. Problems, writing assignments, and oral argument play a part in many classes across the curriculum. It has also paid off in student assessment. Most faculty grade based on multiple components in addition to a final exam.

MARSHA FREEMAN

The public perception of the legal profession has been steadily eroding for many years. Much of this negative view comes from the profusion of family law cases in the courts, and the parties' (and public's) complaints about the traditional legal system's inability to provide for workable resolutions to family issues. The use of therapeutic jurisprudence brings a multidisciplinary approach to resolving family issues in a manner that provides for both legal and emotional resolution and benefits all involved, including the parties, the Bar and Bench, and the children of the union.

JOHN GARVEY

The only program of its kind in the nation, the Daniel Webster Scholar Honors Program at the Pierce Law Center is an intensive, comprehensive, practice-based teaching and bar licensing program which immerses students in the daily workings of the legal system. In addition to extensive simulation, students counsel real clients, appear before real judges, and develop their skills and judgment in real clinical settings - all in order to become "client-ready". They create portfolios of their work, which are examined each semester by bar examiners. Students who complete the program are certified as having passed the New Hampshire Bar examination, subject only to passing the Multistate Professional Responsibility Examination (MPRE) and the New Hampshire character and fitness requirements. As with a traditional bar exam, there is exposure to a broad area. However, instead of a two-day bar exam, the program provides a two-year, comprehensive exam in conjunction with the extensive training received.

MARTIN GEER & CATHERINE KLEIN
The article "Justice Education and the Evaluation Process: Crossing Borders" grew out of a workshop that Ved Kumari, Margaret Barry, Martin Geer and Catherine Klein did at the 2004 Global Alliance for Justice Education (GAJE) Conference in Krakow, Poland. When and how is the promotion of justice – which is found in virtually every law school mission statement and in the "ABA Standards for the Approval of Law Schools – taken seriously as an accepted mission goal and assessed in any meaningful way by individual law schools, the ABA or otherwise? Mission statements and goals are what should drive the institutions, as in the corporate world, and can never be taken seriously or effectively implemented if they are not part of a thoughtful assessment process.

JEFF GIDDINGS
This presentation considers processes likely to be useful to a law school in renewing its curriculum. The systematic curriculum review conducted by Griffith Law School in 2004-2005 and which is currently being implemented is used as a case study with particular attention being paid to the implementation process and to evaluation. It will be argued that effective implementation is the most challenging part of curriculum change. The presentation will also consider the need to more clearly define the relationships between the core curriculum and elective courses.

RANDY GORDON
Whether or not one believes that law is or should be an autonomous discipline, few would dispute that it is a conservative institution and that its members (at least in the US) are trained via a pedagogical method quite different from that of the other professions. A central aspect of this training is the case method and — thus — the specialized narrative form that appellate opinions take. This paper looks closely at the case method and suggests ways to crack it open a bit — without discarding it — and thereby achieve one of the goals set forth in the Carnegie Report: namely, to supplement the analytical, rule-based mode of reasoning inherent in the method.

J. GORDON HYLTON
I will report on my research on the impact of the two Reed Reports (1921 and 1926) and their impact on American legal education with a special emphasis on their impact on legal education in two specific states: Wisconsin and Virginia. Like their more recent counterpart, the Reed Reports were sponsored by the Carnegie Foundation for the Advancement of Teaching. They too were issued during a time of great anxiety regarding the form and character of legal education in the United States. Although the reforms advocated by Alfred Zantzinger Reed, the author of the two reports, did not square perfectly with those of many commentators on the state of legal education, the two reports offered an insightful critique of American legal education and triggered a debate over the future of legal education that lasted well into the 1930's.

E. CHRISTOPHER JOHNSON, Jr
The ABA Special Committee on Outcome Measures has been created to determine whether and how the ABA can use output measures, other than bar passage and job placement, in the process of accrediting law schools. The Committee is charged to define appropriate output measures and make specific recommendations as to whether the Section on Legal Education and Admissions to the Bar should adopt those measures as part of the Standards and is expected to make an interim report by May 2008.

RICHARD JOHNSTONE
This paper briefly outlines recent developments in Australian legal education, and then reports on review of the Griffith Law School Curriculum in 2004. The Griffith Curriculum Review sought to integrate (a) legal theory and interdisciplinarity; (b) skills in group work, © legal ethics (professional responsibility rules; integrity and critical judgment); (d) generic and legal skills (including interviewing and advising, negotiation, drafting, advocacy, time and workplace management, diplomacy) (e) internationalisation; and (f) awareness of legal issues faced by Indigenous Australians into the law curriculum. The paper pays particular attention to the attributes of 'the Griffith Law Graduate', and the use of 'vertical subjects' to integrate theory, ethics, skills and justice issues into the curriculum.

PETER JOY

Best Practices for Legal Education, published by the Clinical Legal Education Association, starts from the assumption that there is a compelling need for significant change in legal education in the United States. Law schools do some things well, some things poorly, and some things not at all. While law schools help students acquire some of the essential skills and knowledge required for law practice, most law schools are not committed to preparing students for practice. This publication calls on law schools to make a commitment to improve the preparation of students for practice, clarify and expand their educational objectives, improve and diversify methods for delivering instruction, and give more attention to evaluating the success of their programs of instruction.

An important step is to articulate clear educational objectives for the program of instruction and, preferably, to describe those objectives in terms of desired outcomes. Outcomes-focused education is becoming the norm throughout higher education. In fact, regional accrediting agencies are requiring institutions of higher education, including some law schools, not only to state educational outcomes but also to prove their students are attaining those outcomes. Law schools in the United Kingdom and other countries, as well as a few law schools in the United States, have made substantial progress in becoming outcome-focused. It is time for all law schools to make the transition. Descriptions of desired outcomes of legal education should include statements of what graduates should be able to do and how they should do it in addition to what they should know.

SALLY KIFT

In the late 1990s, motivated by a confluence of both legal and non-legal drivers, the Law School at the Queensland University of Technology in Australia embarked on major curriculum renewal to embed an integrated and incremental approach to the progressive development of desirable knowledge, skills and attitudes (including pervasive professionalism) in core curriculum over the course of our students' law degree. As an early mover in this area, we needed first to identify what are known in Australia as the relevant "graduate attributes" – the knowledge, skills and understandings the university community expects its students to have developed over their time at the institution – and then to develop a taxonomy for their principled integration and incremental acquisition. This paper will describe those approaches and the consequent task of curriculum mapping required to enact the taxonomy derived. Some reflections on lessons learnt and areas for further improvement will also be discussed.

ANDREW KING-RIES

Several years ago, the medical profession recognized that its professionals, while not overtly racist, reflect the prejudicial attitudes and perceptions prevalent in American society. As a result the American Medical Association adopted cross-cultural education standards for all medical schools seeking accreditation. While the legal profession has not undertaken a similar self-assessment, the same societal factors influencing medical professionals also influence lawyers, perhaps to an even greater degree given the legal system's central place of power in American society and its role in institutionalizing systematic oppression. Given the changing demographics in the United States and law schools, the time is ripe to reassess what law students need to know and how they need to be taught to be effective advocates in our present multicultural society. In my proposal I look to medical schools' experience and suggest that law schools systematically incorporate cross-cultural skills training into the curriculum. I also propose a model program based upon my work with the National Coalition Building Institute (NCBI), a non-profit leadership training organization based in Washington, DC since 1984. The NCBI model advances cross-cultural communication skills, counteracts systemic oppression, and develops leadership skills around prejudice reduction.

KAY LAUCHLAND

Increasingly, in Australia, law schools are introducing legal professional skills training into curricula. This is intended for the most part to address the demands of the profession for better prepared graduates. It also addresses some of the difficulties encountered in using practical exercises for substantive law teaching. Students can learn an enormous amount from practical exercises; learning by doing and learning through assessment. Left without proper guidance, however, they may simply share their

ignorance and reinforce existing bad habits. Many university law teachers are ill-equipped or unwilling to teach or evaluate the skills they expect to see demonstrated, or even to articulate what these are.

I was involved in the development of the Bond Method - integrated, incremental professional legal skills training at Bond University Law School from the early 1990's. I have lived through the development and review of this program, including recent pressure from a few colleagues to scale back the program, over fifteen years. Other universities in Australia have copied some of our program and new and exciting developments are being mooted and attempted elsewhere. This paper will consider the use of integrated and incremental practical exercises and assessments within compulsory, substantive law subjects over approximately fifteen years at Bond University in Australia. It will explore some of the delights and difficulties encountered in the process of introducing, developing and sustaining an integrated, incremental, legal professional training program within an LLB/JD program.

STEPHEN LEVETT

The College of Law in England provides vocational legal training to solicitors and barristers as well as legal education to the wider legal community. Its learning model is centred around 2.5 hour workshops in the course of which students work collaboratively on range of seen and unseen tasks. As part of its move to a more student focussed method of delivery the College no longer uses large (lecture) groups as a means of imparting information. In place of the large group/lecture students now study a series of interactive i-tutorials. Stephen Levett, Deputy Director of the College of Law (York) will talk about the experience of moving from a lecture based course to a workshop approach and the impact the use of e-learning (in the form of i-tutorials, test and feedback, and group assignments) has had on both tutor and student.

PATRICK LONGAN

Mercer University requires all first-year law students to take a three-credit, graded course on professionalism in addition to the required course on the Rules of Professional Conduct. The first year course begins with a discussion of what professionalism means for lawyers and why it matters. The classes next examine what obstacles to professionalism exist in different practice areas, and the students learn that challenges to professionalism will be present regardless of the type of law they practice or the kind of organization for which they work. The discussions then turn to a survey of various ways in which the profession seeks to enforce or promote professionalism. A common theme in these classes, which occur over many weeks, is that any attempt to use just external enforcement, through the threat of discipline, damages, or other punishment, always will fall short of ensuring that lawyers will abide by the virtues of professionalism. The students learn that, to some irreducible extent, professionalism is dependent upon individual lawyers making the choice and the commitment to be the kind of person and the kind of lawyer who exemplifies those virtues. The remainder of the course, which includes additional classroom discussions, reflective writing, and interviews with practicing lawyers and judges, is devoted to an exploration of why lawyers should make such a commitment.

PAUL MAHARG & ELIZABETH LI

To practice law in Scotland, students must complete an undergraduate (LLB) degree, earn a Diploma in Legal Practice, and complete a two-year traineeship under the supervision of a legal practitioner. The Glasgow Graduate School of Law (GGSL), Scotland's largest Diploma provider, incorporates many simulations and practice-like scenarios into its Diploma program. A number of these are set against the backdrop of a fictional online town. Students form law firms and correspond with clients, witnesses, and opposing parties. The School has developed a sophisticated software program to aid in the execution of these projects. Even GGSL courses that do not utilize this online environment offer practical legal experience and focus on developing students' oral advocacy and client interviewing skills. Many of the School's courses also incorporate the use of webcasts, which are videos of lectures that are posted online in an interactive format. Students watch these webcasts and explore the related materials on their own, and meet in the classroom to ask questions and discuss the topic with their professor.

The GGSL's approach to its Diploma program addresses many of concerns raised by the Carnegie Report. Because the vast majority of the tools used by the School are transferable to other law schools,

and even to schools that teach other disciplines, a study of the GGSL's Diploma program could prove useful to educators around the world.

MARGARET MAISEL
Florida International University College of Law is a public law school founded in 2000 with the particular mission of diversifying the bar, offering a global legal education and serving the South Florida community. The law school graduated its first class in 2005. This presentation will reflect on FIU's first five years using the Carnegie Report recommendations as a framework. The paper includes a survey of current student perspectives on FIU's curriculum and education. The survey provides student opinions on whether this new law school has been successful in meeting its diversity and international curriculum goals. Further, the survey contributes to the discussion of whether FIU, as a new law school, is successful at bridging the gap, identified in the Carnegie Report, between analytical and practical knowledge and the need for more robust professional integrity.

KENNETH MARGOLIS
In this presentation, I plan to describe how the CaseArc Integrated Lawyering Skills Program at Case Western Reserve University School of Law addresses some of the most important recommendations of the recently published critique of legal education by the Carnegie Foundation for the Advancement of Teaching, entitled "Educating Lawyers – Preparation for the Profession of Law." I have provided in the materials my article about the program which appeared in The Complete Lawyer online journal, as well as a summary of the main goals and descriptions of the courses in the program. The article and my presentation will describe the structure, goals, and methods of this two year required curriculum, and how the program integrates the teaching of legal doctrine and analysis, lawyering skills and professionalism. I hope to briefly address the faculty process followed to enact the program, and some of the challenges encountered in its implementation.

JAMES MAXEINER
The new Carnegie Report asks whether university education in law must be "unmoored to practical experience?" It lauds medical education where "the practical apprenticeship has begun to emerge as the cutting edge of pedagogical advance." It calls for legal education to integrate teaching of legal doctrine to become "part of learning to think like a lawyer in a practice setting." Yet that integration is all to take place in the law schools and not in practice; there is no provision for participation by bench or bar. It behooves us, as legal educators, before we try to bring the law office inside the law school, to educate ourselves about how other legal systems provide practical training both within and without the law schools. To that end I would like to tell you about practical training in Canada, Germany and Japan. While conditions here are quite different, the challenges are similar: preparing lawyers for the profession of law.

BRETT MCDONNELL
Minnesota is in the midst of significant changes to its curriculum. The school has approved and is in the midst of implementing several changes to the first year: (1) A new Work of the Lawyer course that will introduce students to issues involved in the lawyer-client relationship, including extensive use of simulations, and will also include professional responsibility issues; (2) A choice of one elective from a list of four, including Civil Procedure II, International Law, Corporation Law, and a new team-taught Perspectives on the Law course; and (3) A mini-course on statutory interpretation taught in conjunction with the second-semester Legal Writing program, in which students write a brief based largely on statutory issues. Minnesota is at an earlier stage in considering new "capstone" courses in the third year. These courses would attempt to give students a sense of what practice is like in a variety of fields. They would be team-taught and involve a mix of doctrinal teaching and simulation. One example being considered would follow the early life of a simulated start-up company.

DAVID MCQUOID-MASON, NICHOLE DEVRIES, TIFFANY WILLIAMS & EDWARD O'BRIEN
The legal landscape in South Africa changed dramatically after the first democratic elections in 1994. A number of special legal education forums were convened and attended by the law deans of the country's 21 law schools under the auspices of the Ministry of Justice. The result was that by 1997 there was agreement by the deans to make a major break with past practices and recognition of the need for an

integrated approach to legal education, rather than the traditional approach that separated the theory of law from practice. The deans accepted that it is not enough to provide students with knowledge about the law without developing their skills to apply such knowledge or inculcating them with the necessary values concerning the practice of law. It was agreed that law schools should encourage community service work by law students in law clinics and street law programs. (Law clinics were first set up at South African university law faculties in the early 1970s, and by the early 1980s the majority of universities had clinics.) The University of KwaZulu-Natal requires all law students to complete a community service course. This panel will describe the two primary methods of teaching through community service: the Campus Law Clinic and the Street Law Program.

N.R. MADHAVA MENON

Twenty years ago law schools in India turned out law graduates who were unprepared for the social responsibilities expected of them in regard to social justice and social change. It was in this context the Bar Council of India – which has statutory responsibilities in respect of standards of legal education – decided to set up what they called a model law school to act as a pace-setter in legal education reforms and in the use of law for social change. Thus the National Law School of India was established in 1986 at Bangalore as an autonomous institution with a mandate to look at law in a developmental context and to strive for excellence in all its programs and activities. Many law teachers seemed to think that the activities which the National Law School took up did not fall within the domain of legal education and that law schools generally are ill-equipped for these tasks. They were certainly right in their assessment of the equipment (and perhaps the commitment) of the average law school to discharge responsibly social justice programs of wider import. But the tragedy of legal education is that without such involvement, law schools will remain isolated and alienated from the people and legal education will lose its potential to engineer social justice. The days of lawyers being mere craftsmen and judges only umpires in adjudication are fast disappearing. The function of legal education is to produce lawyers and judges with a sense of commitment to the struggle for human rights and a feeling for suffering of people everywhere.

JAMES MOLITERNO

This paper discusses how the William & Mary Law School became more Carnegie-like twenty years before the Carnegie Report. At William & Mary, in 1988 a broad-based, required, four semester professional skills and lawyer ethics course was established. This paper tells of the good fortune and circumstances and decisions that allowed this program to be founded and to be sustained for the past twenty years. The aspects of good fortune included fortuitous staffing conditions at the time and failures of prior programs. The decisions made included leaving the first year curriculum alone except for the insertion of the new course. There are lessons in this story: some good decisions to emulate and encouragement to be alert to conditions that are favorable for change.

FRANCIS MOOTZ III

Contemporary discussions about the need to reform legal education should be put into a broader historical, philosophical and ethical perspective. Three hundred years ago the Italian humanist, Giambattista Vico delivered his famous oration, "On the Study Methods of Our Time," in which he lamented the rise of Cartesian critical philosophy at the expense of the cultivation of imagination, prudence, and eloquence. Vico discussed law and legal education as his principal example, and his oration therefore provides an incredible resource for our contemporary deliberations.

GEORGE MUKUNDI & ED SANTOW

The 2007 Carnegie Report recommends that legal education should be structured around the principle of ‘civic professionalism’. This paper addresses how to put this recommendation into practice. The paper begins with a theoretical analysis of the role of legal education in fostering civic professionalism. It then considers three ways in which this goal can be achieved: (I) clinical legal education; (ii) international collaboration; and (iii) law reform. Our thesis is that adherence to the principle of civic professionalism demands a shift away from conventional legal education to what may be termed ‘justice education’. The paper explores what this means: both a personal commitment to comply with ethical standards, as well as a deeper and broader commitment to the justice system as a whole.

We propose ways for legal educators to be involved in this process, including the following. First, legal education must bring together the theoretical and the practical, something that occurs most effectively through clinical legal education. Secondly, legal educators should encourage a contextual approach to learning about the law. This means considering the law's social impact, as well as understanding how law is made, applied and interpreted, and by whom. Thirdly, law school should encourage law students to see the law through a critical lens, as something that they can help develop in a direction that minimises injustice and better upholds the fundamental principles on which our legal systems all purport to be based.

Finally, our paper provides a number of case-studies. In relation to international collaboration, we look at the work of the Global Alliance for Justice Education, including its bi-annual global conferences, regional initiatives, list serve and newsletter, and research and publications. In the context of law reform, we discuss case-studies including the International Human Rights Lawyers Working Group and the internship program at the Australian Law Reform Commission.

JEROME ORGAN

The University of St. Thomas School of Law was founded in 2001 with the purpose of providing a legal education that was a "formation" experience for students -- allowing them to integrate their faith and moral values into their professional identity as lawyers. In creating a law school culture that facilitates this formation experience, the University of St. Thomas School of Law embraces a "signature image" of lawyer as "servant-leader." The UST School of Law also has developed a "signature program" -- the Mentor Externship Program -- which provides all students, for all three years they are in law school, the opportunity for experiential learning in dialogue with a member of the legal profession, and provides second and third year students a classroom component in which facilitated peer discussion and reflective learning help them better understand various aspects of what it means to be a member of the legal profession -- a "servant leader."

M.R.K. PRASAD, FRANK S. BLOCH & ANA MARIA FLOREZ

The Bar Council of India has mandated four "Practical Papers" for all Indian law school that require the teaching of a variety of lawyering skills and a certain level of legal aid work, which can serve to institutionalize social-justice based clinical legal education. This session will offer examples of current clinical projects that demonstrate how the mandated Practical Papers can be used to instill fundamental values and skills needed to transform the legal profession in India.

EDWARD RUBIN

As is true in most law schools the first year and upper class curricula at Vanderbilt differ not only in content, but also in their governance structure. In the past the upper class curriculum had been generally something designed by individual faculty members, in consultation with the Associate Dean for Academic Affairs, while every course and every credit in the first year curriculum was generally subject to collective decision-making by the faculty as a whole. We therefore decided to use separate processes for re-thinking these two parts of the curriculum.

The basic idea regarding the upper class curriculum is to establish concentration programs that will enable students to focus on a particular area of law during the course of their second and third years. To implement these concentration programs, faculty members were invited to join together in groups and develop a plan for a coherent curriculum in their field. The only general rules given to these groups are that the curriculum should provide more intensive training for students in its particular field, and that the curriculum should progress from the second year to the third. Faculty members can choose which group or groups to join, and cannot be excluded from any group so long as they are willing to be active participants in its activities. The Dean appointed one faculty member in each group to be its director. Each group has a budget that it can use to run conferences, invite speakers, and provide supplementary funds to its participating faculty members for travel and research. The groups also have the authority to choose short courses visitors and adjunct faculty in their area, and to negotiate with other schools or departments to develop interdisciplinary programs. The additional funds for these latter purposes are derived from decentralization of the Law School visitor and adjunct budget. To enable faculty members to devote time to participating in these groups, all administrative committees at the Law School with the crucial exception

of the appointments committee were abolished. Thus, the administrative staff handles admissions, physical plant renovation, student relations, placement, and similar functions.

The process for re-thinking the first year curriculum is entirely different. In December, 2005, the faculty held a two-day retreat to discuss and re-assess that curriculum. After the retreat, faculty members were invited to submit plans for developing a new first year course or revise an existing course within the framework established at the retreat. Once these plans were approved by the Dean, the faculty member or members who proposed it were offered teaching relief, generally for one semester, so that they could develop the course and create materials for it without taking time away from their research activities

SUELLYN SCARNECCHIA

(1) ***Does the future of legal education include a clinical experience for every law student before graduation?*** The University of New Mexico School of Law requires every student to take a 6 credit clinic course: 120 students a year; 5 groups of 8 every fall, spring and summer; 9 faculty primarily dedicated to clinical teaching (34 total faculty); clinical faculty are tenured and also teach in the classroom. What are the challenges of providing required clinics? What are the benefits?

(2) ***Rethinking our curriculum in light of the Carnegie Report.*** The University of New Mexico was one of the schools visited during the Carnegie study and is now involved in a follow-up project sponsored by the Carnegie Foundation and Stanford Law School Among the questions we are considering:
(a) Faculty acceptance of the 3 apprenticeships - what are we asking from each faculty member?
(b) How best to integrate the apprenticeships
c) How best to change how we assess our students
(D) Should we move toward outcomes-based curriculum and assessment

MICHAEL SCHWARTZ

Coming out of an all-hands faculty retreat focused on planning the future of Washburn, the law school committed itself to a number of important goals based on the Carnegie and Best Practices Reports. Those goals include:
(1) evaluating the law school's entire curriculum to determine the knowledge, skills and values graduates should have, developing a student portfolio program (both to benefit the students and to use as a tool for evaluating the effectiveness of the curriculum), and revising the curriculum to better ensure attainment of the skills, knowledge and values;
(2) fostering faculty members adding additional student writing experiences across the curriculum with an emphasis on providing formative assessment;
(3) fostering faculty members' development of law practice simulation experiences in their upper division doctrinal courses;
(4) developing written standards for teaching excellence, expecting all faculty to engage annually in efforts to improve their teaching and fostering more peer observations and feedback on teaching; and
(5) adopting, as a requirement for graduation. a "professional transformative experience," an intensive practical experience that engages the student in a professional role.

Finally, an ad-hoc committee of faculty members teaching in the first-year have agreed to work together to create an experimental, multi-disciplinary client problem as a means to ensure that, in their first year, students receive integrated instruction aimed at the professional identity development and practice apprenticeships articulated by Carnegie and emphasized in Best Practices. Rather than proposing such major reform and trying to implement such a change without data, the law school has chosen to operate within existing practices and policies, creating an experimental section so that the faculty can evaluate the effects of the innovation before deciding to implement the change.

STEVEN SCHWINN

The traditional first-year curriculum in American law schools seems based on an assumption that our incoming students are novice or dualistic thinkers. While our students may, in fact, be novices in the law, they are increasingly sophisticated thinkers in other areas of their lives. The first-year thus neglects our incoming students' sophisticated reasoning skills in non-legal areas, and thereby regresses their intellectual development and their ethical reasoning skills. In contrast to the traditional curriculum, actual legal work in the first year, with all its attendant indeterminacies, builds upon the knowledge that our incoming students bring to law school and thus promotes their intellectual development, their ethical reasoning skills, and their development as professionals.

RICHARD SEAMON

The University of Idaho College of Law has recently decided to expand so that it can offer a full JD program at two locations: at its current home base in the small, rural town of Moscow, Idaho; and in Boise, the state capital and largest population center. The two locations will offer distinctive and complementary curricular emphases – with, for example, the Moscow campus emphasizing natural resources and Indian law and the Boise campus emphasizing business law and intellectual property law. The curriculum at both locations, it is hoped, will implement insights of the Carnegie Foundation Report by offering integrated instruction in doctrine, skills, and values.