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## Scenes from the Continuum: Sustaining the MacCrate Report's Vision of Legal Education into the Twenty-First Century

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SMALL SCHOOL.  
BIG VALUE.

# SCENES FROM THE CONTINUUM: SUSTAINING THE MACCRATE REPORT'S VISION OF LAW SCHOOL EDUCATION INTO THE TWENTY-FIRST CENTURY

*Michael Norwood\**

*In 1992, the ABA Task Force on Legal Education and the Profession, under the leadership of its Chairman Robert MacCrate, came out with what has become popularly known as the MacCrate Report. This epochal document has redefined the scope of the current debate on how law school should be taught and what values should make up the core of legal education. In this article, Professor Norwood provides background on the Report and an overview of its contents. He then forecasts the effect it is likely to have in the coming years, noting impediments likely to arise from law schools reluctant to change their current structure. He concludes by speculating as to what a typical day in the life of a future law student will look like if legal educators are successful in combining the fruits of the ongoing revolution in information technology with the values mandated by the MacCrate Report.*

## I. THE MACCRATE REPORT'S VISION OF LEGAL EDUCATION

After three years of study, the ABA Task Force on Legal Education and the Profession: Narrowing the Gap (the Task Force) issued its final report entitled *Legal Education and Professional Development—An Educational Continuum*.<sup>1</sup> This report, more commonly known as the MacCrate Report (“the Report”), after the Chairman of the Task Force and former ABA President, Robert MacCrate, offers guidelines on synthesizing legal education with the practical demands of the legal profession.<sup>2</sup> Shortly after its release, John Costonis, Dean of Vanderbilt Law School, noted that the MacCrate Report “defines a vision of legal education whose import, I believe, will compete with the several visions that dominated the American law school in the late nineteenth, the mid-twentieth, and now the late twentieth century.”<sup>3</sup>

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1. SECTION OF LEGAL EDUC. & ADMISSIONS TO THE BAR, AMERICAN BAR ASS'N, LEGAL EDUCATION AND PROFESSIONAL DEVELOPMENT—AN EDUCATIONAL CONTINUUM: REPORT OF THE TASK FORCE ON LAW SCHOOLS AND THE PROFESSION: NARROWING THE GAP (1992) [hereinafter MACCRATE REPORT].

2. *Id.* at 3.

3. John J. Costonis, *The MacCrate Report: Of Loaves, Fishes, and the Future of American Legal Education*, 43 J. LEGAL EDUC. 157 (1993).

The Task Force was appointed in 1989 by then-chairperson of the Council of the ABA Section of Legal Education and Admissions to the Bar, Justice Rosalie Wahl.<sup>4</sup> But the initial catalyst for the creation of the Task Force was the National Conference on Professional Skills and Legal Education held in Albuquerque, New Mexico, in October 1987. The participants at this conference recognized that much had been accomplished in constructing high-quality skills education programs in the law schools. However, the clinical education movement had reached a plateau that still fell well short of full compliance with the recommendations for enhanced education in fundamental lawyering skills made in a variety of reports issued by the ABA in the decade preceding the conference.<sup>5</sup> As a result of the 1987 conference and Justice Wahl's 1989 appointments, the Task Force was created. Its mission was threefold: (1) to undertake a comprehensive study of how lawyers were prepared "in the shared body of lawyering skills and professional values which lawyers entering practice should possess," (2) to identify the "commonly perceived deficiencies in the lawyering skills and professional values in today's law graduates," and (3) to describe means "to improve the education of American lawyers."<sup>6</sup>

During its three-year existence, the Task Force conducted four public hearings, held seven plenary meetings, completed a survey of law schools on professional skills instruction, reviewed writings on the legal profession and legal education, and consulted with experts in legal education.<sup>7</sup> After an investment of over 12,000 hours of volunteer time,<sup>8</sup> the Task Force issued its comprehensive report in July 1992. Briefly summarized, and at the risk of distorting its sophisticated analysis and important nuances, the vision of legal education articulated in the MacCrate Report is based on five basic elements.

First, the MacCrate Report mandates that each member of the legal profession is personally responsible for self-assessment and self-develop-

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4. MACCRATE REPORT, *supra* note 1, at xi.

5. The conference itself, jointly sponsored by the American Bar Association and the University of New Mexico School of Law, was part of a continuing effort by the American Bar Association to promote education in fundamental lawyering skills during law school. In the eight years prior to the conference, the ABA published four separate reports recommending a variety of steps supporting the enhancement of education of fundamental lawyering skills during law school. These reports were as follows: (1) ABA Section of Legal Education and Admissions to the Bar, Report and Recommendations of the Task Force on Lawyer Competency: the Role of the Law Schools (1979); (2) Law Schools and Professional Education, Report and Recommendations of the Special Committee for a Study of Legal Education of the American Bar Association (1980); (3) American Bar Association, Final Report and Recommendations of the Task Force on Professional Competence (1983); and (4) Long-Range Planning for Legal Education in the United States, a Report of the Council of the American Bar Association Section of Legal Education and Admissions to the Bar (1987) (all reports on file at University of New Mexico University School of Law).

6. See Initial Blueprint for the ABA Task Force on Law Schools and the Profession: Narrowing the Gap (Dec. 18, 1989) (on file with author).

7. For a full description of the process and procedures of the Task Force, see MACCRATE REPORT, *supra* note 1, at xi-xiv.

8. MACCRATE REPORT, *supra* note 1, at xiii.

ment.<sup>9</sup> Lawyers necessarily make critical decisions at each stage of their careers, including choosing to become a lawyer in the first place, picking a law school, selecting courses and extracurricular activities during law school, and navigating employment and career paths. Each stage “should be a time for careful reflection and self-assessment based upon sufficient information to make an informed choice.”<sup>10</sup> Second, the MacCrate Report concludes that although the profession is diverse in its practice settings and in its gender, racial, and ethnic composition, and is increasingly specialized in the variety of services provided as well as the methods of delivering those services, law remains “a single profession identified with a perceived common body of learning, skills and values.”<sup>11</sup> In order for the legal profession “to survive into the twenty-first century, the law schools together with the bar and the judiciary must all work for the perpetuation of core legal knowledge together with the fundamental lawyering skills and professional values that identify a distinct profession of law throughout the United States.”<sup>12</sup>

Third, the MacCrate Report states that in addition to acquiring a shared core of legal knowledge, preparation of lawyers for practice should include education in the shared fundamental lawyering skills and professional values “with which a well-trained generalist should be familiar before assuming ultimate responsibility for a client.”<sup>13</sup> To this end, the Task Force developed a “compendium of skills and values that are desirable for practitioners to have.”<sup>14</sup> Chapter Five of the Report, entitled *The Statement of Fundamental Lawyering Skills and Professional Values*<sup>15</sup> (SSV), contains this compendium. The SSV is the centerpiece of the MacCrate Report’s vision. Its powerful description of what lawyers should be prepared to do when representing a client, and what values should guide their professional lives, both informs and expands our understanding of the base of knowledge required of every lawyer to participate effectively in the legal profession. The SSV is, therefore, the Task Force’s most important contribution to the advancement of lawyers’ professional development. The Task Force itself has identified the purposes served by

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9. Value 4 of the MacCrate Report’s *Statement of Fundamental Lawyering Skills and Professional Values* states that as a member of a learned profession, a lawyer should be committed to:

- 4.1 Seeking. Out and Taking Advantage of Opportunities to Increase His or Her Knowledge and Improve His or Her Skills;
- 4.2 Selecting. and Maintaining Employment That Will Allow the Lawyer to Develop As a Professional and to Pursue His or Her Professional and Personal Goals.

*Id.* at 141.

10. *Id.* at 227.

11. *Id.* at 11.

12. *Id.* at 120.

13. *Id.* at 125.

14. *Id.* at 123.

15. *Id.* at 135-221. The SSV is considered to be the most essential part of the MacCrate Report because, without the SSV as a canon for competence, it would be impossible to prioritize the training necessary for the profession. Costonis, *supra* note 3, at 177.

the SSV to include: (1) aiding students and practitioners in their self-assessment and self-development decisions; (2) creating discussion and debate among the members of the legal profession concerning the SSV's contents, thereby leading to a refined knowledge and understanding of shared fundamental skills and professional values; and (3) assisting law schools and other educational providers in the continuum in the design and delivery of improved programs for educating students and practitioners in fundamental skills and values.<sup>16</sup>

Fourth, the MacCrate Report finds that "the skills and values of the competent lawyer are developed along a continuum that starts before law school, reaches its most formative and intensive stage during the law school experience, and continues throughout a lawyer's professional career."<sup>17</sup> All lawyers travel an arduous road of professional development. Legal educators, practicing lawyers, and the judiciary "are engaged in a common enterprise—the education and professional development of the members of a great profession,"<sup>18</sup> and all have important roles in assuring appropriate educational opportunities for professional development are provided.

Finally, the MacCrate Report concludes that through the use of teaching methodologies developed in law schools over the past twenty-five years, the fundamental lawyering skills and professional values analyzed in the SSV are capable of being taught.<sup>19</sup> Effective instruction of lawyering skills and professional values ordinarily is accomplished through:

- (1) Development of concepts and theories underlying the skills and values being taught;
- (2) Opportunity for students to perform lawyering tasks with appropriate feedback;
- (3) Reflective evaluation of the students performance by a qualified assessor.<sup>20</sup>

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16. These purposes, as well as potential abuses, of the SSV are fully described in Chapter Four of the MacCrate Report. MACCRATE REPORT, *supra* note 1, at 123-33.

17. *Id.* at 3.

18. *Id.*

19. The MacCrate Report states that

[L]aw schools, through their clinical programs, have developed the capacity to teach other lawyering skills—those associated with practice—that had previously been considered as incapable of being taught other than through direct practice experience. The skills of "problem solving," "factual investigation," "communication," "counseling," "negotiation," and "litigation" are being taught in many, perhaps most, law schools in ways that emphasize the conceptual underpinnings of these skills.

*Id.* at 234.

20. *Id.* at 243.

## II. THE MACCRATE REPORT AND THE TRANSFORMATION OF LAW SCHOOL EDUCATION

The MacCrate Report envisions distinct and important roles for the participants at each stage of the educational continuum. To this end, its chapters include coverage of the process prior to law school,<sup>21</sup> professional development during law school,<sup>22</sup> the transition from being a law student to a practitioner,<sup>23</sup> and professional development after law school.<sup>24</sup> But the Report emphasizes that law school constitutes an especially crucial stage since it is positioned at the crucial formative years of a lawyer's development. These years provide the most intensely focused educational experience that lawyers are likely to receive at any time during their careers. Law schools are pivotal in implementing the MacCrate Report's vision of legal education. Law schools are the initiators of students' professional development, and the educational performance requirements placed on graduates by law schools significantly affect the state of their preparedness at the time they seek admission to the bar.

Although the Task Force recognized "that the teaching of these skills and values is the joint responsibility of law schools and the practicing bar,"<sup>25</sup> it allocated a substantial portion of that responsibility to the law schools. The Task Force pointed out that:

While even well-structured law school clinical programs would rarely be able to duplicate the pressures and intensity of a practice setting, law schools provide a unique opportunity for exposing students to the full range of these practice skills, an opportunity that might not readily be available in actual practice. Moreover, the organized instruction in these skills, in a simulated or live-client context in law schools, enables students to relate their later practice experience to concepts that they have learned in law school, just as students are able to place the substantive knowledge that they acquire after law school in the framework of the concepts they have learned in their substantive courses.<sup>26</sup>

The Report, although stated in general terms, and recognizing that legal educators and practicing lawyers have different capacities and opportunities to impart skills and values to future lawyers, assigns responsibility to the law schools for educating students in the major facets of an array of ten skills and four values covered by the SSV.<sup>27</sup>

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21. *Id.* at 225-32.

22. *Id.* at 233-72.

23. *Id.* at 273-304.

24. *Id.* at 305-17.

25. *Id.* at 234.

26. *Id.* at 234-35. The "practice skills" referred to in the quoted paragraph include problem solving, factual investigation, communication, counseling, negotiation, and litigation. *Id.* at 234.

27. The ten skills outlined and explained in the MacCrate Report are as follows: problem solving, legal analysis and reasoning, legal research, factual investigation, communication, counseling, negotiation, litigation, alternative dispute resolution procedures, organization and management of legal work, and recognizing and resolving ethical dilemmas.

The MacCrate Report also concludes that today's law schools fall short of achieving an optimal or desirable level of coverage of the lawyering competencies and professional values described in the SSV.<sup>28</sup> The results of the law school survey conducted by the Task Force and included in the Report reveal that, as of 1991, "relatively few law students have exposure to the full range of professional skills offerings."<sup>29</sup> In reference to its own survey and other survey material, the Task Force noted:

the data from the law school study show that a majority of students has completed courses in legal writing, research and trial advocacy, but only a minority has gone beyond these courses and, of that minority, only a small number has taken more than one additional skills training offering that employs the methodologies of skills instruction.<sup>30</sup>

Even if the MacCrate Report's vision of legal education during law school is compelling,<sup>31</sup> and even if law schools currently are not performing at a desirable level with regard to skills and values instruction, the question remains: how are law schools to make the transition from where they are now, to where the MacCrate Report suggests they ought to be? Although the Report recommends some minor adjustments to the ABA Standards for Approval of Law School and Interpretations,<sup>32</sup> it avoids recommending externally imposed requirements on law schools to achieve its vision of improved and more comprehensive preparation of students in the fundamental skills and professional values outlined in the SSV. Instead, the Task Force, "mindful of the risks inherent in externally imposed requirements that may stifle experimentation," opts to entrust to the law schools the responsibility for producing workable implementation strategies.<sup>33</sup> "[The Task Force] recommendations for enhancing skills and values instruction therefore emphasize law school self-study and initiative."<sup>34</sup> The Report includes twenty-five recommendations for enhancing law school education in the subjects described in the SSV.<sup>35</sup> Recommendation eight, typifying the Task Force's approach to effecting change in

*Id.* at 141-207. The four fundamental values outlined and explained in the Report are as follows: provision of competent representation; striving to promote justice, fairness, and morality; striving to improve the profession; and professional self-development. *Id.* at 207-21.

28. Data acquired in a 1990-91 questionnaire indicated that professional skills training accounts for only nine percent of law school instructional time. *Id.* at 241.

29. *Id.* at 240.

30. *Id.* at 259-60.

31. Certainly not all commentators on the MacCrate Report share the view that its vision for legal education is compelling. See, e.g., Carrie Menkel-Meadow, *Narrowing the Gap by Narrowing the Field: What's Missing From the MacCrate Report—Of Skills, Legal Science and Being a Human Being*, 69 WASH. L. REV. 593 (1994).

32. Following the Task Force's recommendation, Standard 301(a), regarding a law school's educational program, was amended to clarify its reference to qualifying graduates for admission to the bar by adding: "and to prepare them to participate effectively in the legal profession." AMERICAN BAR ASS'N, STANDARDS FOR APPROVAL OF LAW SCHOOLS AND INTERPRETATIONS, Standard 301(a) (1994).

33. MACCRATE REPORT, *supra* note 1, at 259.

34. *Id.*

35. *Id.* at 330-34.

law schools, states:

8. Each law school should undertake a study to determine which of the skills and values described in the Task Force's Statement of Skills and Values are presently being taught in its curriculum and develop a coherent agenda of skills instruction not limited to the skills of "legal analysis and reasoning," "legal research," "writing" and "litigation."<sup>36</sup>

Having charged law schools with the responsibility of developing strategies for enhancing instruction in skills and values, the Task Force moderates this responsibility through its enumeration of abuses to be avoided in applying the SSV. The Task Force warns that "[t]he Statement is not, and should not be taken to be, a standard for a law school curriculum,"<sup>37</sup> and that "[t]he Statement is not designed to be used as a measure of performance in the accrediting process."<sup>38</sup>

Robert MacCrate summed up the Task Force's laissez-faire approach to educational reform in the concluding speech at the Conference, "The MacCrate Report—Building the Educational Continuum," held at Minneapolis from September 30 through October 2, 1993. Responding to his own rhetorical question he stated:

Where then do we go from here? Each state, each bar, each law school, each judiciary and each admitting authority is challenged to define its role in the educational continuum and to work with one another to enhance that continuum. There is no single or right way in which to construct it. Rather, it is for the law schools, the bar and the judiciary working together in each state to develop a coherent pattern of training and preparation of lawyers appropriate to that state.

Planning for a continuum needs to take account of "existing educational resources; the different educational missions of law schools; the reasonable expectations of law students and the educational value of their work experiences during law school; the availability of transition education in law offices and in bar-sponsored programs; as well as the scope, quality and availability to practicing lawyers of continuing legal education."<sup>39</sup>

Having thus left the demanding work of building and implementing the reform strategies which it envisioned to others in the legal community, the Task Force offered only one hope for much-needed continuing help: the establishment of an American Institute for the Practice of Law (AIPL).<sup>40</sup> Describing the proposed AIPL, the Report states:

This report itself can be only a beginning in overcoming the separateness in the several phases of lawyers' professional development and in

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36. *Id.* at 331.

37. *Id.* at 131.

38. *Id.* at 132.

39. Robert MacCrate, *The Last Word on a New Beginning*, in THE MACCRATE REPORT: BUILDING THE EDUCATIONAL CONTINUUM 145, 148 (Joan S. Howland & William H. Lindberg eds., 1994) [hereinafter MacCrate, *Last Word*].

40. MACCRATE REPORT, *supra* note 1, at 130, 319-23.

eliminating gaps in the educational process. Something on-going and focused on enhancing the practice of law is needed to promote in the law schools and within the organized bar the concept of a continuum. To carry forward the project, we recommend that a new organization, a national institute, be established with the central purpose of promoting excellence in the practice of law. It would address on a continuing basis the entire process by which lawyers acquire and refine the lawyering skills and professional values which, together with the requisite learning, are required for competent and responsible practice.<sup>41</sup>

In the absence of a clear implementation agenda, and given the sweep and scope of the MacCrate Report's vision for establishing a coherent educational continuum devoted to the development of professional skills and values, as well as the intensive collaboration among the diverse membership of the legal profession which will be required to create such a program, it is difficult to imagine how such an undertaking could succeed without the sustained nurturing of the Task Force's proposed Institute.

The vision of legal education put forth in the MacCrate Report is compelling. The notion that law schools, among other missions, should take affirmative steps toward improving the education and understanding of fundamental lawyering skills and professional values has a common-sense appeal. Yet there are powerful forces arrayed against even modest changes that would put increased emphasis on the development of professional skills and values in law schools.

Chief among these impediments to change are the traditions and culture of the law schools themselves, which are not naturally suited to quickly adopt methodologies of teaching that promote increased attention to the development of practical skills and values. Law school faculty members generally do not possess the requisite balance between academic and practice skills that would be needed for effective instruction in this area, and many who are strongly oriented toward academics have little regard for those who do possess that balance.<sup>42</sup> In addition, the ratio of students to faculty in law schools is higher than what might be required to make high-quality skills programs possible. Because law has become increasingly complex, and because lawyers are becoming more specialized in practice settings and services delivered, law schools too have expanded the number of specialty courses they offer.<sup>43</sup> Faculty resources are needed

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41. *Id.* at 321.

42. There is a rich literature on law school culture and the nature of law faculty. These descriptions offer little hope that the faculty who govern law schools will quickly embrace the continuum vision offered in the MacCrate Report. *See, e.g.*, MARY ANN GLENDON, *A NATION UNDER LAWYERS* 199-229 (1994); SOL M. LINOWITZ, *THE BETRAYED PROFESSION* 113-38 (1994); Harry T. Edwards, *The Growing Disjunction Between Legal Education and the Legal Profession*, 91 MICH. L. REV. 34 (1992); Geoffrey C. Hazard, Jr., *Curriculum Structure and Faculty Structure*, 35 J. LEGAL EDUC. 326 (1985); Alex M. Johnson, Jr., *Think Like a Lawyer, Work Like a Machine: The Dissonance Between Law School and Law Practice*, 64 S. CAL. L. REV. 1231 (1991).

43. Johnson, *supra* note 42, at 1233 (noting proliferation of specialized law school courses as contributing factor in the failure of law schools to teach practical lawyering

to staff these course offerings. But law school resources are finite, and there is little room for growth in the number of students or in tuition revenues. For these and other reasons, many faculty believe law schools already have achieved an appropriate balance between research and education in the substantive law, and research and education in the roles of lawyers in practice.<sup>44</sup>

The approaching millennium will undoubtedly bring change to law schools and to the legal profession. To the extent that these changes can be planned and informed by a vision, the MacCrate Report offers guidance in a direction that can lead to the betterment of the profession. If this vision is to have a lasting impact on law school education, it will need to be implemented by means that accommodate the interests of faculty, that overcome the resistance to change inherent to law schools, and that remain in harmony with other forces of change at work within the legal community. Robert MacCrate's question, "Where do we go from here?"<sup>45</sup> remains to be answered. The following imagined scenes from a law school at the beginning of the twenty-first century are offered as an optimistic impression of how one law school, embracing the vision of the MacCrate Report, might look.

### III. SCENES FROM A LAW SCHOOL OF THE FUTURE

Amy found her usual seat at 8:22 a.m. She removed her notebook computer from its carrying case, and connected its portable ethercard cable to the receptacle on the table in front of her. She clicked on the icon used to establish an internet connection to Legal Education Network Services<sup>46</sup> (LENS), a host on the internet jointly owned and operated by the National Consortium of Clinical Law Schools<sup>47</sup> (NCCLS) and the American Institute for Law Practice<sup>48</sup> (AILP).

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skills).

44. Studies on the process of law school reform are not all pessimistic about the prospects for change, assuming that certain conditions of accommodating faculty interests are first met. See, e.g., Robert J. Borthwick & Jordan R. Schau, *Gatekeepers of the Profession: An Empirical Profile of the Nation's Law Professors*, 25 U. MICH. J. L. REF. 191 (1991); John O. Mudd, *Academic Change in Law Schools*, 29 GONZ. L. REV. 29 (1993-94); John O. Mudd, *Academic Change in Law Schools Part II*, 29 GONZ. L. REV. 225 (1993-94); Lewis D. Solomon, *Perspectives on Curriculum Reform in Law Schools: A Critical Assessment*, 24 U. TOLEDO L. REV. 1 (1992); John C. Weistart, *The Law School Curriculum: The Process of Reform*, 1987 DUKE L.J. 317 (1987).

45. MacCrate, *Last Word*, *supra* note 39, at 148.

46. The Legal Information Institute at Cornell Law School, under the direction of Peter Martin and Thomas Bruce, is now pioneering the concept of a computer network that will make possible new forms of collaboration among scholars and institutions which never before have been available.

47. One way in which law schools may explore means to expand their resources is through increased collaboration. Regardless of the resource issue, full implementation of the MacCrate vision will require collaboration in ways not heretofore seen.

48. This hypothetical organization is modeled after the American Institute for the Practice of Law recommended by the MacCrate Task Force. The name has been changed here to protect the integrity of the Task Force's important proposal.

As usual, music filled the room from the high-fidelity speaker system, but it did not interfere with the friendly greetings she gave to her classmates as they too logged onto LENS. She knew that the LENS host computer was programmed to record automatically their login names, the location of the receptacles each had activated, and the start and stop times of their connections. Using this information, LENS created and stored attendance records for this particular first-year law class.

At 8:25 a.m., the large screen at the front of the classroom lit up and began projecting a slowly changing array of abstract designs emphasizing reds and browns, this being the system manager's chosen graphics display for that cool day in early November. Amy opened three windows on her notebook's screen. One was a word processing file which contained her working outline for this class, another allowed her to view, copy, or print text and images sent to her by her professor through LENS, and the third enabled her to send messages and responses to her professor, classmates, and other users of the LENS system. She activated the window containing the information supplied by her professor and waited.

Promptly at 8:30, the image of Amy's professor replaced the abstract graphics on the large screen and his voice replaced the music on the audio system. There were more than one hundred students in Amy's classroom, but she knew she was actually sharing this experience with over a thousand students inside classrooms similar to this one at eight law schools located in five states. These large "meetings" were called content classes, and they were designed to supply her with a working knowledge of substantive legal doctrine. This particular class was one of a series focused on the law concerning the ownership, control, and marketing of information, a topic of vital importance in both the daily living and global commerce of the twenty-first century. Indeed, because of the cross-border and cross-cultural significance of the topics, for this particular class both a Canadian and a Mexican law class had joined the linkage, even though they were not part of the NCCLS.

Prior to the class, Amy had read a collection of statutes, regulations, treaties, cases and other materials assigned by the professor and delivered to her in hypertext format via LENS. She had participated in a computer conference discussing issues raised in the readings, and she had completed an interactive computer lesson designed to help her understand how to apply the law in a variety of situations.<sup>49</sup> After the class, she would complete another computer exercise on which her performance would be recorded and reported to the professor who would then analyze her performance, and the performance of the entire group, to determine whether, and in which areas, additional work was necessary.

The class was scheduled to last until 10:30. The first hour was taken up by an absorbing presentation by the professor, punctuating his re-

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49. The Center for Computer Aided Legal Instruction (CALI) and its Legal Education Automation Project are pioneering the development of computer lessons in law. These lessons are moving in the direction of taking advantage of the multimedia capabilities of computers, and offer more exciting learning modalities than mere drills.

marks with bullet charts, graphs, video, and audio data. Scattered throughout his talk were yes/no and true/false questions for audience response. The responses were tallied by LENS, and the results were displayed and commented upon by the professor. The first hour was followed by a question and answer period. Although the total audience was very large, Amy was interested in the long-distance discussion. Someone from each connected location managed to get through with a question, and Amy was especially interested in the questions posed by the Canadian and Mexican students in the audience.

After the class, Amy had a break until 11:00 a.m. when her context class was scheduled to begin. Like many of her other substantive law content classes, this class was complemented by a related context class. The context classes were much smaller than the content classes, with only twenty students in a group. The students were instructed by a clinician<sup>50</sup> who was teamed with an upper-class tutor. The clinician and tutor were sometimes joined by a psychologist, doctor, economist, sociologist, actor, or other member of a non-legal discipline.

Amy enjoyed her context classes, although she thought they were the most challenging component of her law school experience so far. For each context class, she was given an assignment which required her to assume the role of a lawyer, judge, client, legislator, administrator, or other person involved in addressing or solving a simulated problem relating to the legal matters covered in the associated content class. Thus far during Amy's first term of law school, most of the assignments had involved the skills of perceiving (listening, reading, and seeing) and expressing (written and oral communication). The context classes introduced Amy to lawyering roles and tasks which she had not previously experienced, and the problems on which Amy worked reinforced her understanding of the law and legal processes covered in her content classes.

Each context class assignment was prefaced with instruction on how to perform the exercise task, for example, how to conduct an initial client interview. Soon after each exercise was completed, feedback was provided by a qualified assessor on the strengths and weaknesses of the students' work. Amy and her classmates were called upon to critique their own work, as well as the work of others. At today's context class, Amy would be called upon to testify before a legislative subcommittee, consisting of some of her classmates, on behalf of a bill aimed at resolving some legal issues being developed in her property class.

Before she begins her clinical work in her final year of law school, Amy will be called upon to complete exercises covering all of the fundamental lawyering tasks originally identified in the MacCrate Report, but now periodically revised by the NCCLS Council on Curriculum Develop-

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50. The "clinician" may be a practicing lawyer or judge whose work at the law school is supervised and directed by a member of the law faculty. The class may also meet late in the day or in the early evening to accommodate the clinician's schedule. The use of practitioners or judges is important because they possess the resources required to teach these small classes.

ment. The Council is comprised of faculty from all nine law school members of the NCCLS, members of the judiciary and practicing bar, students, and representatives of the public, often clients from the law school clinics.

Amy had lunch with several of her classmates and her mentors, a third-year law student and a lawyer from the local community. The conversation turned to the admissions process that brought Amy to this school. Before coming to this law school, Amy was not sure she wanted to be a lawyer at all, and had no idea where to go to law school. Her pre-law advisor and the library had some material on the legal profession and law schools, but she felt that the most complete set of materials was supplied by the NCCLS. The NCCLS not only provided an introductory overview of the legal profession and lawyers' work, but also gave detailed information on how their own program was designed to prepare students to participate effectively in the profession. Additionally, they included placement and bar passage statistics.<sup>51</sup> Indeed, Amy's admission had been conditioned on successful completion of an intensive week-long course on the legal profession.

In the afternoon, Amy attended another class in substantive law similar to her morning class. In addition, she attended her clinic continuity group meeting. Although she was only in her first semester, she was already embarking on her clinical experience. The law school's clinic was operated out of an office located at the law school, but was also affiliated with various community service institutions, and the clinic's clients were usually referred from these community-based sites. The clinic stressed a multidisciplinary perspective on problem solving and the role of lawyers in building communities, especially in multicultural settings.<sup>52</sup> Amy's continuity group consisted of a law school clinician, a medical doctor, and some third-year students assigned to the Young Children's Health Care Center.<sup>53</sup> Third-year students were required to complete a six-month rotation in the clinic and took no other courses while completing their clinical work. Preparation for their work began in the first year with the continuity group meetings. These meetings were wide-ranging in subject content. Lessons in lawyering skills and professional values, as well as substantive and procedural law, were drawn from discussion of the actual matters being handled by the students. Amy felt confident that she would be ready by the time she entered her clinical rotation. The evening was a time for reading and writing. Amy kept a journal of her experiences. Her

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51. The publishing of such statistics is suggested by Recommendation B(6) of the MacCrate Report. MACCRATE REPORT, *supra* note 1, at 329.

52. In this hypothetical law school, the clinics of the NCCLS will be primarily charged with the task of teaching reflective lawyering and developing students' perspectives on the role of lawyers in the profession. Community-based clinics are an important vehicle for achieving these goals.

53. Community-based multidisciplinary clinics of the type described here are now being developed at the University of New Mexico School of Law. In addition to obvious educational advantages, they offer great promise of new bases of funding for both continued research and instruction.

last entry read, "I can't believe how much I'm learning about the law and myself. I'm glad I chose the law."

#### IV. CONCLUSION

Although the MacCrate Report articulates a powerful vision of legal education, it fails to establish a coherent strategy for the implementation of this vision. The strength of the Report lies in its statement of the fundamental lawyering skills and professional values that a competent practicing lawyer ought to possess.

Given the pragmatic fact of limited resources, implementing the MacCrate Report's vision can only be achieved by fostering and strengthening collaboration among practicing lawyers, law schools, the judiciary, and law students. The increased use of technology is also central to achieving effective implementation. Everyone who plays an important role in the educational continuum has valid reasons for seeking to maintain their autonomy. But the integrity of the legal profession, the improvement of the quality of legal services to the general public, and the nurturing of core professional values are at stake. The professional educational continuum can and must be improved. Increased collaboration and the development of new educational technologies are keys to the successful implementation of the MacCrate Report's vision.

