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Foreword

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FOREWORD*

Like all other law schools, the University of New Mexico modifies its curriculum annually. Most changes are of little import: the number of hours given to a particular course is increased or decreased, a required first year course is moved from the first to the second semester, an elective is added, or deleted. In addition to tinkering with the curriculum, UNM, again like other schools, frequently questions whether major alterations in our course of studies might make our program more effective in training lawyers.

Several years ago, prompted perhaps by changes in technology and influenced perhaps by several significant national studies and reports on the content and methodology of legal education, the school studied our curriculum in some depth. We began by asking what we wanted of our graduates. After formulating some rather definite goals, we tried to determine how those goals could be best attained.

Of primary concern was the task of training competent lawyers. To that end, we needed an educational program that would help students develop those abilities that are necessary for good lawyering. Here we were building on a firm foundation, for our clinical and trial advocacy programs had already received national recognition as perhaps the finest and most extensive in the country.

We were not satisfied, however, with some aspects of our skills program. Our legal writing courses needed improvement, and we had little in the curriculum that exposed students to arbitration, mediation and other alternate methods of dispute resolution. We also felt a need to offer more courses, like business or estate planning, that put the students in a counselling role, and we needed more drafting courses. We believe that we have made significant progress over the past few years in most of these areas.

Those in legal education and in the practicing bar have always recognized a law school's role in helping students to develop critical powers of analysis. Although we are prone to deprecate the phrase "thinking like a lawyer," we are quick to admit that the phrase carries a meaning

*I apologize to my colleagues for sometimes writing as though all of us agreed on certain matters. That, of course, is not true. I have tried to indicate where I am merely reporting facts (as I remember them) and where I am expressing an opinion. I must state, however, that none of my faculty friends have read this short introduction, and that it expresses only my personal views and interpretations.

somehow connected with the way lawyers analyze legal materials and fact patterns. Traditionally, law schools have taught legal analysis in the context of substantive courses, particularly those in the first year. Over the years, however, a number of casebooks have been written that attempt to approach legal analysis as a separate subject. Although cases and statutes are included in these materials, they are used as a medium to teach legal analysis rather than to develop the law of a particular subject. For three years, 1981 through 1984, we included a legal analysis course as part of our first year program. Although the substance and approach of Introduction to Legal Analysis bore little if any relation to the Introduction to Law Course described by Professors Johnson and Scales, in some mysterious way it indirectly led to the inclusion of their course in the curriculum.

A more significant cause of Introduction to Law was the faculty's desire to introduce students during the first year to a perspective course. The desirability of requiring students to take one or more courses which go beyond the confines of the traditional core courses has been recognized by every major study of legal education. For many years, legal history was taught in the first year at our law school as a first year required course, and international law also appeared in our first year curriculum for several years. Although we have offered a number of perspective courses as electives, the faculty has long believed it desirable to have at least one such course in the first year to complement the courses in torts, contracts, procedure, criminal law, and property. This was probably the prime objective in offering Introduction to Law.

During the 1986-87 academic year, Introduction to Law will not be taught. It will be replaced by another experiment: a course entitled simply "Law" which will be offered in six sections by six different professors. Whether the Introduction to Law course described in this Symposium will return to the curriculum is uncertain.

I read a draft of the article by Professors Johnson and Scales some months ago. I have not read any of the other pieces contained in this issue, and I cannot comment on them. I believe that the Johnson/Scales description of the course is faithful to the primary purpose of the course. Their Article, and the course, were both designed to have a strong impact. Both were designed to make their audience reconsider some fundamental views that most of us share. It is my impression that the course did that, and my recollection of the Article is that it is likely to have that affect on one who gives it a chance. The Article is not easy going, but neither was the course.

I believe that the Article, however, fails in two ways. It does not adequately represent the tough work that they required of their students. The course was not an easy one, and it required the students to critically

approach the study of law in ways not unlike those required in any rigorous legal academic course. Nor does the course adequately represent the effort that each of the authors expended while teaching it. Rarely have I seen two young faculty members put as much of themselves into a course as did Karl and Ann.

As you may well guess from reading their Article, the course caused excitement and controversy at the law school. In my opinion, we have too little of that these days, and I miss it.

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Acting Dean, 1985–86