



NEW MEXICO LAW REVIEW

Volume 16
Issue 3 Summer 1986

Summer 1986

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Charles D. Kelso

Recommended Citation

Charles D. Kelso, *Goings-on at the University of New Mexico School of Law*, 16 N.M. L. Rev. 587 (1986).
Available at: <https://digitalrepository.unm.edu/nmlr/vol16/iss3/13>

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GOINGS-ON AT THE UNIVERSITY OF NEW MEXICO SCHOOL OF LAW

CHARLES D. KELSO*

Several young professors at New Mexico, Karl Johnson and Ann Scales, have rediscovered, as you both determined in your own careers, that law is applied and changed as the result of more than logic. Your successors in the insight, however, have moved beyond the elemental propositions that the law's life is experience or that precedent and principle are molded by reason and situation-sense. Instead, Johnson and Scales bring into their classes a song by Woody Guthrie and philosophy by Wittgenstein. J & S appear to see legal education as self-liberation and societal evaluation rather than merely the first step in a process of equipping people to fit into an existing specialized subculture. To fend off the limiting constraints of doctrine and the conventional vision of reality which may arise from case method study, J & S seek to discover and challenge assumptions whenever they are found. Here, then, are two enthusiastic and imaginative teachers. That certainly is all for the good.

The question which their teaching poses is whether the perspectives and skills they are developing are likely to be more useful to young persons seeking to enter the legal profession than would be an alternative array of learning which these teachers could also help create if they turned their talents to it. Are J & S making it more difficult for their students to work productively and successfully in the career situations to which most of them aspire? Or are they creating people who can jump to the heart of an argument because they quickly see the real issues and can frame them in fruitful ways?

The real test of an educational program lies in results rather than in critical analysis. In this case it may be particularly useful to look forward to comments from employers and to input from the Career Development Office of the University of New Mexico School of Law. The reason is that there's always a question of how much is too much of a good thing. Time will tell, I suppose, whether J & S would find it appropriate to become a touch more conventional or to depart even further from the approach to legal education found in the typical first-year class on Contracts, Torts, or even Introduction to Law.

*Professor, McGeorge School of Law, A.B., University of Chicago; J.D., University of Chicago; L.L.M., Columbia; J.S.D., Columbia; Honorary, John Marshall.

My Introduction teacher, Ed Levi, of the University of Chicago, began the course with Plato and Aristotle, but quickly came up to date with several series of cases on joint accounts and products liability which brought us face to face with how case precedents are related to one another. I have always felt that Ed Levi gave us a good combination of legal and non-legal tradition. But each new generation has to work the matter out for themselves. I only hope that J & S are alert to the dangers of considering legal education as either self improvement or nourishing particular reforms. In the meantime, you two (Holmes and Llewellyn) can rest assured that the kinds of problems you struggled with are still being addressed in the law schools. You might even enjoy "This Land is Your Land."