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PREFACE

Many law students spend a considerable amount of time thinking about legal education. Their views about whether and to what extent faculty members think about legal education vary with their law school experiences and their ability to envision the cumulative law school experience from a perspective other than that of student. Faculty thinking about legal education leads to modifications in the curriculum. It also influences the ways that faculty members organize both the content and the presentation format of their courses. Further, faculty thinking about legal education pervades relations between faculty and students.

The collection of essays in this issue of the *University of Michigan Journal of Law Reform*, representing some thoughts of Michigan Law School faculty members, resulted from several independent threads. Faculty members have, individually, expressed concerns about their teaching and about students' experiences in law school. The faculty have recently reviewed the curriculum and have formulated plans for modifications in courses, course sequences, and portions of the total curriculum. Students have also recently expressed concerns about legal education. For example, the Student Senate Speaker Series for the 1984-85 school year focused on legal education, the Senate reinstated an award for quality teaching, and students formed a committee to assist in the recruitment of minority and women faculty members. Several faculty members, including several writing in this issue, have written about legal education in the past, including Sandalow, Allen, Brown, Conard, Pepe, Watson, and J.B. White. Faculty members who discuss some of their ideas about legal education publicly for the first time within these pages are Joiner, Payton, Sax, M. White, and Whitman.

Several ideas pervade this collection of essays as well as discussions with faculty members who were unable to write for this issue. These essays illustrate the influence of varying views of lawyers' roles on perceptions of the purposes and effects of legal education. Some authors focus on one specific role, such as the lawyer as advocate, negotiator, or drafter of legal documents. Other authors present a broader image of the lawyer as planner, applying varied skills to solve a client's present problem or prevent a possible future problem; for instance, Payton discusses the importance of using peripheral vision to perceive and pre-

vent potential problems. The lawyer as participant in a system for settling disagreements appears several times. Watson discusses dispute resolution through negotiation and arbitration. Pepe addresses students' abilities to handle personal responses and professional responsibilities to clients as well as procedural aspects of the court system. Joiner discusses the ethical obligations of lawyers engaged in litigation. J.B. White explores the process of learning to develop theories applicable to classes of disputes and to specific lawsuits. The lawyer as policy maker is also represented. Examples include M. White's analysis of ways that lawyers use a knowledge of economics in making policy decisions and Sax's inference that an understanding of the relationships between water law and other areas of the law affects policy choices. Whitman's view of her students as people who will soon exercise considerable power implies that lawyers make choices, whether within or outside the formal policy formation institutions, that influence society. Conard argues that lawyers with social science training will shape policy decisions through their contributions to knowledge about the legal system and its affects on the broader social system.

Some concern for the methods of instruction appears in this collection of essays: Allen's presentation of one way to use the computer as an instructional tool, Watson's discussion of ways that professors can guide students through the conflicts that may occur within a negotiation setting, Whitman's concern for the development of students' sense of themselves within their legal roles and personas, and J.B. White's concern for dialogue between students and faculty. Curriculum content also receives attention. Allen's pervasive concern with the use of clear legal language suggests that instruction in drafting skills belongs in the curriculum. Attention to drafting skills complements the concern for students' ability to make reasoned policy decisions, expressed by Payton's focus on purposive decision making and by M. White's point that future policy makers need to understand methods of economic analysis. Pepe's discussion of clinical programs and Joiner's concern that professors include extensive consideration of professional ethics within courses dealing with adversarial situations illustrate curricular attention to the courtroom. Shifting the focus from current concerns, Brown provides a historical perspective on the expanding range of curricular offerings, changes that result from faculty research interest but also from external forces, such as the availability of research support and developments in society and the legal system.

Several topics discussed with faculty members are missing

from this collection. Perhaps the most pervasive among faculty and the most difficult to communicate to students is that students have considerable responsibility for their own learning. This sense of the importance of the students' contributions to legal education finds expression in varied faculty perceptions: that students who initiate learning activities, such as independent study, develop greater facility at research and legal analysis; that the specific combination of students within a class can either stimulate discussion or dampen the efforts of the most enthusiastic professor; and that students do participate in the conversation that constitutes both legal education and the common law. Other missing topics include the importance to students' legal education of the knowledge that they bring to law school and students' reluctance to recognize that their prior knowledge is applicable to legal problems; the relationship between the law school and other academic units within the university; and the recurring need to review the relative merits of and methods for presentation of information, development of analytic skills, and development of practical skills.

Other potential concerns about legal education are notable for their absence from these essays and faculty discussions. For example, while some inferences can be drawn from the essays about faculty members' assumptions, the essays contain no discussion of ways that students learn, whether students with prior professional careers encounter different problems in studying the law than students entering law school right from college, or the relationship between course offerings and students' eventual career paths.

This collection of essays is offered not as a finished product but as part of an on-going discussion among faculty, between faculty and students, and between Michigan faculty and others concerned with legal education. It is our hope that this collection will convey to students that faculty members take seriously their responsibility to provide a comprehensive, quality legal education, to individual faculty members that other faculty are thinking about similar issues, and to faculty at other schools that several ideas about legal education are being explored by Michigan faculty members.

The Editorial Board

