

and efficient legal service. Costs will fall as quality rises.

The MacCrate Report is a recent attempt to describe the problems of law schools and the legal profession and is centred on the formulation of a statement of skills and values. Although many critics have seen it as an attack on law schools, it is in fact a critique of the profession which it sees as beset by fundamental changes that are causing a decline in professionalism and the quality of legal services.

However, the focus on specific skills divorces power from consequence, responsibility and morality. Lawyers become like Terminators in the movies starring Arnold Schwarzenegger - high tech robots without a soul. Whilst legal education has improved over the years, the dissatisfaction with lawyers and lawyers' own dissatisfaction with their jobs are indicative of a problem deeper than technical skills or awareness of values.

Practising lawyers are driven by dollars and this brings out the darker side of lawyerly skills, such as minimising the actual time spent on a case whilst maximising the billing time. Lawyers perform badly, not so much from lack of skills caused by law school failure, as through economic pressures, lack of commitment, laziness, burnout, or dishonesty. We need to be less simplistic and embarrassed when we address values. Law schools should be teaching efficient office practices and case management techniques so as to reverse the need to develop the darker lawyerly skills. The problem does not lie merely with lawyers, but with American society, grounded in material well-being, advertising and marketing

schemes and television-influenced mentalities.

Part of the solution is the identification and removal of the really bad lawyers. Law schools need to assist the profession in population planning for the legal profession. Perhaps a restriction in the number of students entering law school and a reduction in the number of law schools are required, harsh as they may seem. Alternatively, as law has developed into a generalist degree, law schools might look at preparing their students for other, non-traditional legal vocations.

One of the major shortcomings of the MacCrate Report is its avoidance of hard choices about funding mechanisms. Legal education is one of the least expensive and prestigious forms of graduate education. Effective skills and values instruction is however labour intensive and therefore expensive. A significant infusion of funds and the development of better methods are required if the MacCrate Report goals are to be implemented.

The author makes eight specific recommendations as to how resources can be obtained and the goals achieved: 1. Do away with the core coverage and reduce bar exams to no more than one day; 2. Use the bar exam preparation time and resources for Summer Inns of Court; 3. Charge all law students a skills-training fee; 4. States should change their educational funding structures to reflect the costs of expanded skills education; 5. Increase national and state bar dues by \$100 to \$200 per year and earmark that money for Summer Inns of Court and live-client clinics; 6. Establish a limited number of super-libraries and reduce or redirect law school

library budgets; 7. Create an independent non-profit institution to administer the resources so created; 8. Earmark some of the new resources for live-client clinical programs and the legal equivalent of teaching hospitals.

## LEGAL ETHICS

[no material in this edition]

## LEGAL PROFESSION

[no material in this edition]

## LIBRARIES & INFORMATION

**Law library evaluation standards: how will we evaluate the virtual library**

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In the computer age, it is difficult to evaluate library resources. Previously, size in terms of volume counts determined the quality of the library and the bigger-is-better attitude dominated. However, volume counts are often inaccurate and not all materials are easily located. Library resources were historically used as a determining factor in the accreditation and ranking of research institutions. This antiquated measure of library quality has continued and the inability of the legal accreditation establishment to change to qualitative measures of information access has persisted despite the advances made in information technology and access.

In the early 1990s the ABA issued a draft revision of the library



section of the standards and requested submissions from interested parties. Whatever the final form of the standards, they will have a significant affect on legal education for some time to come.

Legal educators and accreditation agencies must cooperate and agree upon new methods of library evaluation. The consensus is that new standards have to be formulated under which volume count will depart as a library evaluation method.

Quantitative measures lose their significance when much of what is shelved also exists in full-text databases. Basic primary materials are now all online and hence easy to retrieve and quick to download to another PC or a printer. The changes in technology demand corresponding changes in the evaluative criteria for libraries.

With the changes in library technology come unpleasant financial realities. Library budgets are traditionally a source of complaints from Deans and financial administrators. Recent studies estimate that law library costs amount to 18% of the total law school budget. The price of legal materials outstrips inflation and the volume of legal materials published each year is too great for any one library to collect. New law schools seeking accreditation characterise the library accreditation standards as financially ruinous and have questioned the need to acquire both hard and virtual copies of the same information. New technologies can permit a portion of the materials budget to be used more efficiently. However, the budget should also include staff training costs. In effect, new technologies are

substituting access to materials for ownership.

New standards for library evaluation need not represent a drastic new approach. Standards can accommodate different law school missions. Any evaluative criteria must continue to measure the law library's collection. The definition of collection and the means of measuring it must change. The collection should meet the scholarly and educational needs of the students. Databases, network links, licensing agreements, document delivery sources and internet resources must also be included in the collection.

By working together, legal accrediting agencies, legal educators and law librarians can design library evaluation standards to keep pace with and acknowledge the resources of the Information Age.

## MANDATORY CLE

[no material in this edition]

## OTHER DISCIPLINES & PROFESSIONS

[no material in this edition]

## PERSONALIA

[no material in this edition]

## PLANNING AND DEVELOPMENT

[no material in this edition]

## POSTGRADUATE PROGRAMS

[no material in this edition]

## PRACTICAL TRAINING

### Reflections on the place of practice management in the law school curricula

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An excessively large number of lawyers are unhappy with their practices. An ABA report known as the Breaking Point Report found widespread and growing dissatisfaction among lawyers in all practice settings and at all levels of seniority in the profession. The Report identified the use of unsound management practices as the one overriding factor impacting on all these issues.

A cause of unhappiness among lawyers is the erosion of their pre-law vision of themselves and the gap between their expectations and experience. As law students they were not told that they would have to deal with marketing, time management, billing and cash-flows and learn client relations, budgeting, dictation, staff evaluation and a host of other skills for which they were totally unprepared.

If lawyers were better trained in practice management, they would be better able to deal constructively with their unhappiness. Practice management is not just about maximising profits but also about enhancing the pleasure lawyers derive from the purely legal aspects of their work by giving them the tools they need to take control of their work lives.