The goal of the legal educational system should be to find ways to minimise the stress, while maximising feelings of satisfaction and congeniality among law students.

First, law school faculties need to take an interest in law students. Professors should take a personal interest in their students. In fact, one of the negative factors law students cite about law schools is the lack of relationships with professors. There is a lack of mentors in the legal profession. Although what goes on in the classroom can contribute to character formation and integration, effective mentoring is difficult without at least some one-to-one contact between mentor and mentored. Perhaps faculty hiring committees could ask interviewees to comment on how, and even if, they would establish relationships with their students. Further, they could inquire as to what the interviewee saw as his/her main responsibility – teaching students or publishing articles?

A professor who serves as a mentor would also be a person to whom a distressed student could approach for advice, guidance or just simple reassurance. In addition to making themselves accessible to their students, professors should also make learning more comfortable for them. This change can take basically two forms – in the material that is taught and the manner in which it is taught. Professors should incorporate more 'real-life' issues into the classroom. For instance, teaching students to 'think like a lawyer,' often translates into an impersonal study of law. Perhaps law school curricula should devote some attention to the human aspects of practising law.

Professors could implement the Socratic method in a couple of different ways. For example, professors could call on students in alphabetical order or allow them an opportunity to pass if they are unprepared. These suggestions provide the students with some predictability, as they have the comfort in knowing when they will be called upon or at least that they have the option of passing.

TEACHING METHODS & MEDIA

Teaching lawyers the language of law: legal and anthropological translations
E Mertz
34 *J Marshall L Rev* pp 91-117

A number of studies have focused on a distinctive style of pedagogy associated with doctrinal teaching in US law schools. From a number of different vantages, legal scholars and social scientists often remark on a persistent puzzle: the Socratic method and associated approaches to teaching law found in many first-year doctrinal classes do not seem to make sense. These techniques do not appear to convey legal constructs any more effectively than would other methods, such as lecturing. Moreover, the Socratic method has been the subject of a great deal of criticism and has been connected to elevated student stress. Additionally, it fails to adequately prepare attorneys for practice. How, then, has doctrinal teaching - particularly doctrinal teaching using a Socratic approach - continued in use for so long?

The study reported in this article examines legal education from a novel standpoint, drawing on the methods and theory of anthropological linguistics. Anthropological studies of language begin with the premise that it is crucial to actually observe people's use of language in context, rather than to rely on their reports of how they speak. The accuracy of a speaker's perceptions regarding his or her own speech can vary widely, and even when they are correct as to general patterns, such perceptions cannot achieve the level of detail required by anthropological linguists.

Careful examination of this message or world view helps to explain the puzzle of the 'Socratic method' of legal education. The distinctive epistemology that underlies legal language, as it is taught in doctrinal classrooms, fits very well with overall goals and features of the legal system in the United States. This symbolic connection makes sense of the persistence of certain Socratic aspects of legal teaching, despite ongoing complaints about efficacy, fairness to students of differing backgrounds, and negative impacts on students. The cultural logic entailed by the fundamental world view taught to law students alters incipient lawyers' orientations concerning human conflict, authority, and morality. A crucial aspect of this changed orientation involves training students to read texts with a new focus, so that they learn to interpret stories of conflict in legal terms. When viewed through this lens, traditional legal pedagogy symbolically mirrors and reinforces an epistemology that is vital to the legal system's legitimacy.

Critics of the Socratic method and other traditional methods of teaching law vigorously debate the merits of this tradition. These scholars charge that students either do not absorb moral values or that they absorb largely deleterious values. Sceptics have further asserted that this kind of teaching does not even successfully convey legal doctrine, and that students exit law school without adequate preparation for the practice of law.

Supporters of the Socratic method, on the other hand, assert that the method mirrors the style of reasoning used by lawyers. Additionally, they argue that it is an efficient system for teaching large classrooms and that it stimulates active student involvement. Supporters also maintain that the Socratic method does not dominate and manipulate any more than do methods used in clinical teaching.

The research involved taping first semester Contracts classes in eight different law schools. The tapes were subsequently transcribed, and transcript coders encoded features of each turn, including length of the turn, who spoke, and whether the turn was part of extended or short dialogue, etc. In addition, both the in-class coders and transcript coders noted qualitative aspects of the interactions.

As a result of access to both qualitative and quantitative findings, this study combines an analysis of the underlying message or world view imparted to law students with an examination of the pat-

terns of classroom interaction between the professors and students. Despite strong differences in the teaching and participation patterns among the classes, the study finds a similar underlying decontextualised orientation to human conflict, authority, morality, and text across all of the classrooms.

As law professors teach students to read and discuss legal texts, the students learn to ask new questions and to focus on different aspects of language than they had previously. Indeed, legal education pushes students to direct their attention toward textual and legal authority, casting aside issues of 'right' and 'wrong,' of emotion and empathy—the very feelings most likely to draw the hearts of lay readers as they encounter tales of human conflict. Instead, legal educators rigorously urge law students, as initiates into the legal system, to put aside such considerations – not to stifle them entirely, but push them to the margins of the discourse.

On the one hand, reading legal texts for legal authority offers the student a potentially liberating opportunity to step into an impersonal, abstract, and objective approach to human conflict. On the other hand, erasing many of the concrete social and contextual features of human conflict can direct attention away from grounded moral understandings, which some critics believe to be crucial to achieving justice. Moreover, this step out of social context provides the law with a 'cloak' of apparent neutrality, which can conceal the ways in which law participates in and supports unjust aspects of capitalist societies. This approach also gives the appearance of dealing with concrete and specific aspects of each conflict, thereby hiding the ways that legal approaches exclude from systematic consideration the very details and contexts that many would deem important for moral assessments.

As a result, the alienation experienced by some law students during legal training may be an unavoidable consequence of a process in which increasingly instrumental and technical appeals to legal authority blunt moral and contextual judgment. We can find another example of this process in legal pedagogy's approach to social context and the person.

Perhaps the most ubiquitous form of contextualised identity found in these classrooms occurs when professors invite students to play the roles of legal personae – of parties, lawyers, and judges – and make legally relevant arguments. When asked to play the roles of litigants or other legal actors, students 'become' abstracted individuals within a removed and 'acontextual' context. While role-playing in the classroom attempts to bring students to the level of actual people, the particular roles played omit many of the social particulars that shape not only social interactions, but also moral assessments of those interactions.

This study tracked a number of features of classroom participation, including length and number of turns in which each student and professor participated. The resulting picture is complex, but some patterns are tentatively identifiable. When we examine these findings in the light of the fact that white male professors still dominate the first-year curriculum in most US law schools, we find yet another kind of cultural invisibility/dominance problem emerging in the teaching of law. If students of colour and female students tend to be more silent in these classrooms, then any differences these students bring with them in experience or background are not given voice in classroom discourse. To the extent that these differences in experience reflect race, gender, class, or other aspects of social identity, we again see aspects of social structure and difference pushed to the margins of legal discourse. Thus, across diverse areas of inquiry within the study of legal education, this study suggests the value of studying cultural frameworks as they are enacted and expressed in language.

What should we teach in ADR courses?: Concepts and skills for lawyers representing clients in mediation
S Schmitz
6 *Harv Neg L Rev*, pp 189-210

Published in the mid to late 1980s, the first textbooks for use in Alternative Dispute Resolution (ADR) survey courses were intended to teach law students about dispute resolution processes. More than a decade later, ADR educators are facing 'the second generation of ADR training' – teaching lawyers about their roles as advocates, rather than their roles as neutrals. A question for legal educators is whether the materials available understate the importance of the lawyer's role as ADR counsellor and advocate, while simultaneously focusing too much on the lawyer's role as mediator. In practice, lawyers will most often find themselves in the roles of adviser, counsellor, representative and advocate. It is time to examine teaching materials to determine if there are better methods of preparing lawyers to be effective counsellors and advocates in resolving disputes.

This article examines the approach to mediation taken by three ADR textbooks. The examination is limited to mediation because mediation is a widely used ADR process in which the lawyer's role differs most from that in litigation. The three textbooks addressed are Goldberg, Sander, and Rogers' Dispute Resolution, third edition, 1999 ('Goldberg'); Riskin and Westbrook's Dispute Resolution and Lawyers, second edition, 1997 ('Riskin'); and Murray, Rau, and Sherman's Processes of Dispute Resolution: The Role of Lawyers, second edition, 1996 ('Murray').

Courts expect that lawyers will know about the various forms of ADR, explain them to clients, counsel clients about which method to select for any given case, and represent clients effectively using the chosen method. Numerous statutes and rules governing mediation have been enacted, some of which require or encourage the use of mediation. All of these developments have contributed to the widespread use of mediation