From the Editors

Today's debate over the rising cost of legal education and employer pressure to train "practice-ready lawyers" may provoke a rejection of research and theory in the law curriculum. Three of the articles in this volume take a look at how history can inform our perhaps dubious quest for a "practice-ready" curriculum. And not only can history and context lend insight to our present debate on curriculum reform, but history and context are themselves an indispensable part of legal education.

In *Bramble Bush Revisited*, Professor Anders Walker traces historical debates over practical training, theoretical research and the appropriate length of law school. While early Progressive Era proponents lobbied for a tiered system of an optional fourth and fifth year dedicated to academics and research, it was Langdell who elevated the study of law to a theoretical science and in the process, transformed multi-tracked legal study into today's standard three year curriculum. The economic crisis of the Great Depression, while reviving calls for practice ready lawyers, nevertheless incorporated contextual materials into the three year J.D. degree program and further put to rest the idea that theoretical work should be reserved for the optional post-graduate degrees. It is this resultant orthodoxy of a comprehensive three year approach that Walker deems inappropriate for all law schools. Rather than reducing theory or research or inter-disciplinary studies in the J.D. curriculum, Walker suggests the resumption of differentiated courses of legal study with some law schools focusing on the two year masters, others on the three year J.D. and still others on an advanced degree for those interested in further research.

Like Walker, Professor Linda Edwards offers a historical perspective focused more specifically on the "doctrine/skills" divide. In applying the "classical view" and "family-resemblance" analysis to the varied categories of "lecture/case method," "substance/skills" and "doctrine/theory," Edwards notes that the "case-method" was originally categorized as "skills" teaching when initially paired against "lectures," but "substance" when later paired against clinical "skills". Showing such fluidity in these categories, Edwards concludes that on balance such dichotomies are based more on subjective assumptions than on what work needs to be done and are more harmful than helpful. And so, Edwards suggests replacing the doctrine/skills dichotomy with categories based on the desired pedagogical trajectory of the curriculum. It is an approach asking not what the category means but rather what work it does. The categories that describe her proposed trajectory are *foundation* courses, *bridge* courses, and *capstone* courses categories. According to Edwards, these categories avoid a dualistic structure, track the desired curricular progression, and by mixing pedagogies and assessment practices within each category, dispel hierarchy and build commonalities across old categorical lines.

Professor Edward Purcell, meanwhile, challenges the recent call for only "bread and butter" courses. He reiterates the Oliver Wendall Holmes' argument that "To be master of any branch of knowledge, you must master those which lie next to it…." Such an understanding requires an education that reaches far beyond doctrine and technique. Legal history is an invaluable component of such an education because "legal history teaches the varying ways in which law and legal systems have operated in practice, the reasons they have changed over time, and the more likely directions and limits of their future development." To counter those who believe that showing "the contingent nature and ideological quality" of law is undesirable or dangerous, Purcell explores legal history's practical value by focusing on the paradoxes of "court centered history," and argues that such paradoxes are critical to a fuller understanding of law.

Two other articles in this issue focus on teaching techniques and theory. In one, Professor Terrill Pollman looks at the power of teaching with examples, while in the other, Professors Archer, Eyster, Kelly Kowalski & Shanahan apply recent research on the creation of memory and the retrieval of information to the law school context. Archer, Eyster, Kelly, Kowalski & Shanahan examine how to teach students to do what they know; in other words, "stretching backwards" to link what they learn to what they already know and "stretching forwards" to apply what they learn to new contexts. Pollman, meanwhile, shows the power of teaching with examples in both the traditional and legal writing classroom, as well as when to limit such pedagogy for maximum effect. Specifically, her research applies the findings of cognitive load research and composition theory to show that using well-chosen examples is a superior pedagogy for novice learners, but that as students progress, they learn less from examples and need more opportunities for problem-solving. Both articles give tangible teaching examples and urge each of us to not only consider what to teach but also, how to teach.

Finally, "At the Lectern" features a touching piece by Professor Brigham Fordham who in sharing his own story as a possible plaintiff in a tort litigation helped students to be better lawyers. Three book reviews end this volume: Professor Elizabeth Schneider reviewing Jack B. Morris' *Leadership on the Bench: The Craft and Activism of Jack Weinstein*; Professor Amy Widman reviewing Judith Resnik and Dennis Curtis, *Representing Justice: Invention, Controversy, and Rights in the City-States and Democratic Courtrooms*; and Professor S.I. Strong reviewing Xabier Arzoz (ed.), *Bilingual Higher Education in the Legal Context: Group Rights, State Policies and Globalisation*, and Katia Fach Gómez, *El Derecho en Español: Terminología y Habilidades Jurídicas para un Ejercicio Legal Exitoso*.

As always, we hope you enjoy this issue.

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