



## From the Editors

We open this issue of the *Journal of Legal Education* with an article based on a keynote address given by Gene Nichol to a Law Deans' Workshop. We are often asked to publish remarks from various people on the future of legal education, and we usually resist. In this case, however, we found Professor Nichol's remarks especially compelling and insightful. Nichol distills much of what is "in the air" into a powerful call to reexamine approaches to law school and legal education. The next three articles address different issues that figure into these current debates—including discussions about the standards that the American Bar Association uses to accredit law schools.

Kristen Holmquist, while very critical of legal education, asserts that the Carnegie Foundation report, *Educating Lawyers: Preparation for the Profession of Law*—or at least the categories that are typically taken from that report—does not properly diagnose current problems nor provide the right remedy. Drawing on the literature associated with prominent law school clinical professors, she argues that teaching the substance of the law must be accomplished by more of the context—the real people and the social setting—that skilled practitioners draw on to be effective problem solvers.

Taking up the call from the ABA and others to put more emphasis on formative assessment in legal education, Carol Springer Sargent and Andrea Curcio offer a careful empirical study of the effectiveness of a variety of activities focused on formative assessment in an evidence class. On the basis of a control and an experimental course, they make a strong case for the effectiveness of the assessment measures in improving exam performance—at least for those who were in the top two-thirds of their class when ranked by LSATs and undergraduate grades.

James Donovan and Kevin Shelton argue the case for tenure for law library directors, another hot issue in debates about ABA standards. They take the position that directors should not only have tenure, but also that they should earn it through scholarly publication. Finally, they suggest through empirical study that the new generation of directors is indeed publishing more than their predecessors.

Marc Roark's article adds an empirical component to debates about curriculum reform. He confirms what most people probably would expect, that the number of credit hours devoted to first year contracts has gone down over time, but he shows also that the number of hours correlates with law school ranking. Schools with students who have higher entering credentials devote less time to teaching contracts in the first year. For whatever reason, lower ranked schools devote more hours to the teaching of this subject.

Robert Lutz then introduces a symposium on “Educating Transnational Lawyers: Perspectives from Europe and America” that came from a meeting of the International Law Section of the ABA. The brief set of articles describes developments in France, Germany, Spain and in the European Community more generally. The collection shows that there clearly is a globalization evident in European legal education reforms, although the focus to date is much more on the transnational business lawyer than on those who work for non-governmental organizations or public service entities.

Finally, we have three book reviews of general interest. Peter Spiro examines Craig Robertson’s fascinating study of the history of the passport in the United States, showing its changing role and suggesting that it may be becoming obsolete. Anne Bloom and Julie Davies explain the importance and strength of the argument made by Martha Chamallas and Jennifer B. Wriggins about the racial and gender bias embedded in “the measure of injury” in tort law. And we conclude with a review by Laura Underkuffler of Stuart Banner’s history of property law in the United States. She notes that the book upends much of our conventional wisdom about property rights and how they have developed, suggesting that one way to understand our country is through the shifting parameters of property rights.

As always, we welcome comments and suggestions for future issues.

Bryant G. Garth  
Gowri Ramachandran  
Molly Selvin