

A REPORT ON THE INTER-PROFESSIONS CONFERENCE

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I

INTRODUCTION

The Inter-Professions Conference on Education for Professional Responsibility, sponsored by the Carnegie Corporation of New York and held at Buck Hill Falls on April 12-14, 1948, sought to assemble about a hundred educators in business administration, engineering, law, medicine, and theology "to exchange information and experience gained from their work" with special reference to the need for professional schools to graduate "not only highly skilled technicians, but intelligent, responsible citizens and good men and women as well."¹

The program of the conference was divided into three sessions: (1) on educational objectives, (2) on instruction in professional subjects, and (3) on "humanistic and social" education of professional students. In general, the first session was intended to consider in broad terms the responsibility of "*professional* education, as distinguished from all other educational influences," for the development of the student into a competent professional practitioner, a useful citizen, and a well-rounded individual; the second was intended to examine and evaluate the content and methods of technical professional training; and the third was intended to explore how "social, political, and humanistic education" can be made an integral part of the student's professional development, and how far this can be accomplished by general education in college, or by specific courses in the professional school, or by "introducing social and human aspects into strictly professional courses."²

It is no serious criticism of the conference that neither the formal papers nor the ensuing discussion would remain confined within the announced perimeter of each session. It was evident that the major topics of the program dealt with matters of fundamental concern to the five professions represented,³ that all participants were genuinely interested

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¹ From the Press Book prepared for the conference.

² From "Information for Speakers and Members," by Provost Elliott Dunlap Smith, Carnegie Institute of Technology, December 30, 1947.

³ Cf. Mr. Justice Douglas' address to the Yale Law School Association, May 13, 1948: "If ever a generation was called upon in a few short years, or perhaps

in exchanging views and experiences, and that everyone felt that the conference had served a useful purpose.

Accordingly, the editors of the *JOURNAL OF LEGAL EDUCATION* suggested that the law teachers who were present at this unique meeting should report to their colleagues on (1) the value to legal education of this interchange of ideas and experience, and (2) on the contribution of the lawyers to the conference.

This paper attempts to present the first part of the proposed report. In its preparation, I have solicited the views of the other twenty-four members of the law delegation; half of them have written me at varying lengths about their impressions of the conference.⁴ Without their thoughtful comments, I fear that the difficulty of the assignment would have been insuperable; with them, my task has been largely to integrate the material thus obtained into a more or less connected story for the information of our colleagues.

The conference produced, as might be expected, a wide variety of impressions among the law teachers present. Some came to the conclusion that the basic problems confronting the five professions are substantially the same; others felt that there were few, if any, common problems. Some of our colleagues found the greatest inter-communication in objectives rather than method; others thought that the meeting would have been more fruitful if its whole focus had been on method. However, all of my correspondents were of the opinion that the conference was stimulating and worth while, and at least one has formally proposed its renewal. As I see it, some generalizations are possible; I have attempted to present them under the following headings:

1. Implications of Professional Responsibility,
2. Basic Philosophical Problems, and
3. Technical Problems of Instruction.

months, to shape the destiny of the world we live in, it is ours. Of all the people of this generation, it is the professional classes who should take a prominent place in shaping that destiny. Professional people are needed, not because they constitute a special class of appointed leaders, but because their training, though it may have been poor, should have given them some inkling of the bold and comprehensive strokes of national and international action that must be taken if chaos—real, physical, cosmic chaos—is to be averted." Printed as *Law in Eruption*, 34 *A.B.A.J.* 674, 675 (1948). See also Dean Griswold's Foreword to the *Report of the National Law Student Conference*: "My final point . . . is the responsibility of legal education for fostering and inculcating the budding lawyer's awareness of the opportunity and responsibility of the lawyer for service to the public. In some ways this seems to me . . . the central problem of legal education." 1 *J. LEGAL ED.* 64, 66-67 (1948).

⁴ My correspondents were: David F. Cavers, of Harvard; Elliott E. Cheatham, of Columbia; Brainerd Currie, of Duke; Lon L. Fuller, of Harvard; Albert J. Harno, of Illinois; Willard Hurst, of Wisconsin; Louis L. Jaffe, of Buffalo; Clarence Morris, of Texas; Stefan A. Riesenfeld, of Minnesota; John Ritchie III, of Virginia; W. Willard Wirtz, of Northwestern; and Reginald Heber Smith, Director of the Survey of the Legal Profession, American Bar Association.

II

IMPLICATIONS OF PROFESSIONAL RESPONSIBILITY

Since the keynote of the conference was "education for professional responsibility," it was not surprising to find general agreement that the professional school has some sort of duty to develop the professional responsibility of its graduates. However, professional responsibility was considered at three different levels, with varying emphasis upon the role of the professional school at each level: (1) the technical obligation of the professional man to practice competently his specialty in the community; (2) the social obligation of the professional man to discharge effectively his duties as a citizen; and (3) the social obligation of the professional man to be aware of the opportunities and consequences of professional skill and position—which, as Currie points out, is "a special obligation transcending the obligation of citizens generally."

Dr. Homer W. Smith, in the opening paper of the conference, started the fireworks by taking an extreme minority position. In substance, he said, social responsibility involves value judgments; but there are no "capital-letter" (absolute or universal) values, and value judgments are beyond verification by scientific method, no matter how important they may be as expedients of human relations. The medical school, as a scientific school, should deal only with the scientifically verifiable; therefore its role in education for professional responsibility should be limited to technical proficiency. By inference, education in the formation of value judgments should be obtained elsewhere, presumably in the college, the church, the family.

A similar analysis, leading to a different conclusion, was made by Rogers in terms of "that dichotomy introduced in the 1940 report of the [S. P. E. E.] Committee on Aims and Scopes" of engineering curricula. Like Dr. Smith, he divided human thought into two sharply drawn categories: (1) "scientific technological thought"—objective, quantitative, logical, and pursued in an atmosphere of neutral detachment; and (2) "humanistic-social thought"—subjective, qualitative, and seldom free from preconditioned emotional attitudes. The first, characteristic of engineering, deals with objective realities; the second, identified with "general" education, deals with subjective values. But the engineers are not willing to limit the responsibility of the professional school to technical proficiency; they believe the engineer should be trained in school to be a good citizen. Unfortunately, education for citizenship in the liberal arts college is not satisfactory; "the engineer finds little guidance for responsible citizenship in the typical courses of

general education.”⁵ The solution, then, is to apply the superior method of professional (*i.e.*, engineering?) instruction to the humanistic-social studies, and this can be accomplished only in the professional school.⁶ In summary, therefore, the position of the engineers generally (with the possible exception of Dean Thomas K. Sherwood of M. I. T.) was but a rationalization of the present engineering curricula, wherein the two types of instruction are offered concurrently to students who as a rule have not been previously exposed to the general education offered by the liberal-arts college.

In principle, the other professions agreed with engineering that the professional school should graduate good citizens, and that education for citizenship is substantially synonymous with a liberal education.⁷ But the dichotomy between technical and humanistic-social studies was not so clear-cut among the business administrators, the theologians, and the lawyers; the distinction was more pragmatic than functional, and the question of the responsibility of the professional school was viewed in a different focus. With the growing complexity of our civilization, the professional school's burden in performing its primary technical task becomes increasingly heavier; the “strictly professional” curriculum is crowded; problems of teaching personnel are more difficult. Accordingly, the temptation is strong to seek relief by delegation of some of the responsibility to the pre-professional school, which usually means the liberal-arts college. The theologians, for example, emphasized that

⁵ “Something is wrong with general education. There is some normative accord among divergent ideas as to what is desired from general education in a free society, but there is a great lack of agreement as to how accepted objectives may be attained. . . . [When] we come to the study of the subjective aspects of the humanistic-social field and the appraisal of values as differentiated from the weighing of quantitative facts, the engineer finds little guidance for responsible citizenship in the typical courses of general education.” (From the summary of President Rogers' paper on “Gaps Between the Statement and Achievement of Objectives in the Education of the Engineer.”)

⁶ “If professional men are to participate in full in meeting the problems of society they must be taught to apply their *professional* attitude and skill to dealing with these problems. . . . This involves teaching these subjects by the same inductive and problem-solving methods of learning that have been discussed in this conference as basic in professional education. . . . When courses in different fields are thus taught as applications of a common professional way of thought, work in each field—technical, social, or humanistic—adds its individual contribution to the general professional stature. . . . The responsibility of preparing professional students for effective citizenship and cultivated living is thus a responsibility that professional education cannot delegate to general education. It can only be met if professional education makes its own objective the development, not merely of technical proficiency, but of a deeply and broadly cultivated professional mind and spirit.” (From the summary of Provost Smith's paper on “Professional Discipline versus General Education as a Preparation for Citizenship and Cultivated Living.”)

⁷ Harno points out that Greene's analysis of education in terms of language, fact, value, and perspective is equally applicable to the pre-professional, the professional, and the post-professional periods in the education of the whole man.

the college preparation of prospective seminary students should be broad and liberal, *excluding* religion. The physicians likewise expressed preference for a cultural rather than a predominantly scientific pre-medical program. Our prevailing concepts of pre-legal education are similar. The basic idea is to work out a practical but complementary division of labor; the main difficulty is one of integration. Hurst believes that one of the most fruitful suggestions at the conference was the proposal "that later conferences be held between liberal-arts educators and small professional committees" to achieve a closer correlation between humanistic-social education at the college level and the demands of professional education.

In addition, however, all of the theologians and most of the physicians—like the lawyers—generally accepted two ideas which were not discussed by the engineers: (1) that a broad, liberal education is more than a mere supplement to technical training; it is also an integral part of professional proficiency; and (2) that the professions have a special social responsibility beyond the discharge of the duties of citizenship. If these ideas are valid, it is obvious that the professional school cannot delegate its obligations in the matter of education for social responsibility to the liberal-arts college.

For example, Muelder's discussion of theological education approached the ministry in terms of the relation of the parish to social action, including not only personal and family counseling but also social work, labor relations, race relations, business, housing, social legislation, religious liberty, and other civil rights. Romano's criticism of the present medical training dealt not only with its technical limitations (particularly with respect to convalescence, chronic disease, and disability), but also in broad terms with the doctor-patient relationship, professional interest in medical education, financing of medical costs, etc.—in short, medicine in the total social and economic scene. More concretely, Romano discussed the doctor-patient relationship in its ethical as well as its psychological aspects. Father Murray⁸ raised the question whether ethical instruction is not in fact part of the *formation* process, in which other educational agencies, such as the church and the family, have the more significant influence; but Romano was certain that the task must be undertaken by the professional school. Cavers made a similar point at the conference in another connection; he restates it as follows:

⁸The Reverend John Courtney Murray, S. J., of Woodstock College, Maryland. Earlier in the discussions, Father Murray emphasized the danger of an indefinite prolongation of the school years—postponement of the attainment of psychological as well as professional maturity. The point seems to have substantial validity, but was by-passed at the conference.

I think it would be valuable for the pre-medical student to take a good course dealing with the social, economic, and government problems of providing adequate medical care in our society. However, I do not think that even the requirement that such a course be taken by all pre-medical students should relieve the medical schools of the obligation to devote some attention to the subject in their curricula. The issues which confront the medical profession itself can be fully appreciated by the professional student only when his professional education has advanced far enough to enable him to think as a professional man. The pre-medical course would greatly facilitate the later consideration of the question; it would not be a substitute.

The relevance of these views to legal education is reasonably clear. As Jaffe points out,

All professions dealing with men and men's woes are humanistic and social. . . . The law, more than medicine or divinity, finds its way toward the humanistic by the academic approach, by the way of reading and discussing. . . . The very stuff of the law itself is humanistic and social and offers education along these lines when dealt with as such.

There is no excuse, then, for the law-teaching profession if it fails to educate its graduates for social responsibility, whether this be interpreted in terms of good citizenship or of something more. Hurst writes:

The conference supplied confirmation from the thoughtfulness of other disciplines that the law teachers have been touching real and deep-lying problems when they have been concerned, as they have for the past ten or fifteen years particularly, with (1) the policy bases of law and its relation to the going values of our society, (2) the closer integration of the study of law with the study of related fields of social affairs, and (3) the more sharply focused inculcation of lawyers' skills.

Various suggestions on method are advanced by my correspondents. One proposal is to transfer a year's study in social science and philosophy from the college to the law school, on the theory that "college history teaching, and much of economics and political science, could take on much more significance . . . if they were interwoven with professional studies." A second possibility is to re-orient our traditional subject matter, since "a good teacher of Crimes or Torts or Constitutional Law can deal just as well with 'humanistic and social education' as a professor of sociology, philosophy, or English literature." Again, the special social responsibility of the lawyer indicates "the imperative need for more rather than less theory, interwoven with constant check against the best knowledge we can try to construct of our society. . . . Which means, among other things . . . taking Jurisprudence and Legal History out of the category of pursuits for a handful of graduate students and devising means of making the seminar approach available to more of the 'C' students." Finally, the suggestion

is made that education in specific social sciences, either before, during, or after professional education, is not of primary importance; the essential thing is to integrate the moral and intellectual sides of professional education, and this integration is effective only if it emerges almost as a by-product of understanding.

On the whole, the chief failure of the conference was the failure to define clearly the special social responsibilities of each profession; consequently it was impossible to resolve the problem of just what are the professional school's social obligations. Romano remarked that the first need in dealing with the doctor-patient relationship is a real understanding of the demands of that relationship, and not simply an undifferentiated desire to do good or to help people. Fuller would apply the same standard to the lawyer in his relation with his client, whether his client be an individual, a group, or the whole of society.

Perhaps the law-teaching profession is ahead of the other disciplines in thinking about the problem. Cheatham's analysis of the scope of the special social responsibility of the professions includes: (1) "responsibility to the profession, as illustrated in references by the physicians and the theologians to the contributions made by practitioners to the training of students"; and (2) "responsibility for public leadership, in and out of political office." Llewellyn's comments on the lawyer's responsibility for social policy, and Vanderbilt's remarks at the opening of the third session concerning the lawyer's participation in politics, were typical of the views expressed by other law teachers during the discussions. But the general impression prevailed that little progress is in fact being made by the professions—including the lawyers—in education for their special social responsibilities.

Cavers' comment on the failure of the conference to face this problem squarely seems particularly apt:

I do not deplore this failure greatly . . . for I recognize that the range of the conference was too wide for emphasis to be given to all matters of consequence. However, I believe the fact that more consideration of this segment of the conference's field did not emerge spontaneously is itself a significant symptom of prevailing attitudes.

III

BASIC PHILOSOPHICAL PROBLEMS

An important by-product of the conference, deserving special mention, was the philosophical debate on the nature of values. Dr. Smith's frontal attack on the existence of "capital-letter" values was, in Currie's words, "a *tour de force* which enhanced the interest of the conference by pitching much of the discussion on a philosophical plane, but which enabled him really to avoid the subject under discussion." The gauntlet

was picked up by Father Murray, a brilliant Jesuit who argued the Catholic point of view, and by Professor Greene, who developed the urbane middle ground of liberal Protestantism. So much interest was generated by the debate that a special period after the regular second session was set aside for its continuance before a packed auditorium.

Thereafter (as noted by Harno, Hurst, Riesenfeld, and Ritchie), the importance of value judgments bobbed up repeatedly in the conference. Cheatham writes me: "The notable discussions by the materialist, the priest, and the Yale philosopher highlighted the question, 'What can a man believe?' They all assumed that some satisfying answer to this question underlay the other aspects of responsibility." In my opinion, Cavers' candid comment best expresses the impressions of most members of the audience:

The intense interest manifested at the conference in the philosophical debate was, I think, more than a tribute to the ability of the speakers. I believe they nourished a hidden hunger. All of us have been so pressed by our particular problems, often problems of both breadth and intricacy, that we have not been giving attention to basic premises. On the other hand, the inquiry into first principles had this disappointing but by no means unusual feature—the consequences of adherence to one view or another, from the standpoint of the teacher for a profession, were left to be drawn by the audience. This, I think, is a division of labor that is not certain to be productive. The business of extracting significant conclusions from premises as fundamental as those that were being explored at the conference is, if anything, more difficult than the business of arriving at the premises themselves. In any event I must confess to being one of those who has not tackled that job for himself, however pleased I should be to have some one or two or three others take it on.

IV

TECHNICAL PROBLEMS OF INSTRUCTION

When the talk turned to the technical problems of instruction, the range of intercommunication among the professions became distinctly narrower. There were broad common denominators, of course, but the exchange of experience in concrete situations was valuable principally (as Wirtz points out) "in stimulating the participants to additional thinking about problems which they are themselves in the best position to attempt to solve."

The broad common denominators lay chiefly in basic attitudes and objectives. It was generally recognized that every professional man's job consists largely in making enlightened judgments in areas where there is inadequate knowledge. The mastery of elementary skills is essential, but mere craftsmanship is not enough; there must be a conscious attempt to develop a measure of professional maturity in the graduate

of the professional school. As Currie puts it: "The objective is not to teach the student all the faculty knows, but to try to inculcate the capacity to continue learning to handle problem situations. There was unanimous emphasis on the value of learning by doing, and all the professions seemed especially interested in trying to find practicable means to that end, with the objective of making the conditions as realistic as possible while retaining a substantial degree of supervision." The rationale of these basic attitudes and objectives is summarized by Cheatham thus:

The student should not be graduated and should not be turned loose on the public until he has had enough of this training to enable him to do a fairly adequate job. In other words, the professional school owes a duty to see to it that the preliminary professional training of its graduates is not had through inadequate and dangerous practice on early clients or patients of the young professional man.

Another common denominator was the widespread willingness to experiment in seeking solutions. It is true that most of the engineers, and certainly Harvard's Graduate School of Business Administration, gave the impression of complacent satisfaction with the high degree of perfection achieved in their curricula and teaching methods; it is also true that every profession occasionally presented a pontifical spokesman. But, by and large, there was ample self-criticism and a genuine interest in anything being tried by one profession which might serve as a model for improvement of methods in another discipline.

It is impossible in this report to evaluate all of the concrete techniques of professional instruction which were discussed at the conference. As Ritchie points out: "With perhaps variant emphasis, each profession had its champion of the 'skills' approach, the 'process' approach, the 'informational' emphasis, and perhaps even the 'great books' viewpoint, although I am a little dubious about engineering and business administration numbering any adherents to the 'great books' idea." My purpose, therefore, is to present only those techniques described by the other professions which in the opinion of my correspondents seemed to have the greatest relevance to the problems of legal education.

It is significant that the interest of law teachers was centered exclusively upon "practical" teaching methods, which may be divided into two major categories: (1) those which deal with the handling of specific situations, such as the case system, the problem method, recorded interviews, role-playing; and (2) those which involve apprenticeship—first-hand experience with the more general run of professional practice—such as clinical observation, clinical clerkship or supervised field work, and internship.

Handling of specific situations

My correspondents make no comment on the engineers' "problem-solving method,"⁹ and only two mention the case system. Currie writes me:

It was interesting to see what different things were meant by different professions when they spoke of the "case system." I was reminded of the preacher in *Rainree County* who catalogued the uses of tobacco:

Some it chew, some it smoke,
And some it up their nose do poke.

Clearly, the case method at the Harvard Business School . . . is almost entirely a problem method; they have not learned its value from the standpoint of inductive inference. . . . On the other hand . . . we customarily give the student the "answer" along with the facts, which discourages his thinking about the problem as such.

A more circuitous comment is made by Jaffe, who finds great difficulty (as reported below) in duplicating the practical scene in the training of law students, as compared with the medical clinic. First, he doubts that the same problems exist in both professions:

Law even in practice is primarily concerned with "discourse." "Facts," "business situations," and "domestic situations" are reproduced in office and in court by discourse, and they are resolved by discourse. Forms or arrangements constructed according to rules play a vast role in counseling and in solutions of matured conflict. They, too, are discourse. Thus, the standard method of the law school, suitably expanded, comes a good deal closer to practice in law than does book learning to practice in medicine.

Accordingly, Jaffe would expand discourse on the case, on the statute, on situations, on problems:

We can do more with drafting, with brief writing, with sample demonstrations of witness examination, with observations of courts and law making bodies. . . . Why should not the student learn the correct practice of forming a corporation, of closing a real-estate transaction, empanelling a jury? Should he not be made aware of the hazards and hurdles in a mortgage transaction, a sale, a lease—and be instructed in the available solutions? . . . Nor should we be frightened by the bogey that by this attention to office problems we depart from the true field of principle, of culture, of the study of man as man. With judicious management there is time for both. . . . There is a place for the "course," the seminar, the mere, bare lecture, the textbook. We can be much less rigid than we have been with respect to method, time, and place.

⁹The problem method was presented as "*the basic method which underlies all professional thought*. . . . In dealing with any truly professional problem, to reach a decision the engineer must study the situation carefully to find out what the problem is, must decide how to simplify it so that he can discover and apply to it governing principles. Then he must devise a plan for using these principles to reach a decision. After he has successfully carried through his plan and obtained a result he must check it thoroughly, which is an art in itself, and not until then accept his decision. This method of reaching a professional decision is, I believe, applicable in most professional fields." (From the summary of Professor Teare's paper on "Method in the Problem-Solving Madness.")

As a final item under this topic, I report Hurst's impressions:

Two specific points of teaching technique *re* the instruction in craftsmanship stood out: (1) some divinity schools have been conducting experiments in instruction in interviewing [with the help of the wire recorder]; this could well be explored by the law schools; (2) discussion of "role-taking" work, as through dramatization of the handling of practical professional situations, served to remind of the almost untouched opportunities in visual education, and in the joint production through the A.A.L.S. of some experimental moving pictures.

Apprenticeship

Reginald Heber Smith observes: "The Conference [revealed] that the legal profession is now the *only* profession that does not lean heavily on the apprentice method of instruction. . . . Since legal education started with the apprentice system, I was puzzled why modern law teaching has totally lost it." The point has been raised before; it seems to have thrown the university law school on the defensive. It is not surprising, therefore, that law teachers evidenced the greatest interest in the experience of the other professions with apprenticeship in its two main forms: (a) clinical training during the university years under direct supervision of the professional school, and (b) internship involving virtually complete assumption of professional functions, subject to control by the organized profession rather than by the school as such.

As one correspondent points out, internship "came in for interesting criticism." The experience of the professions has been generally unfortunate, except perhaps in engineering, which seemed pleased with its program of "progressive experience" in the field—sometimes during the summer vacation, often after graduation, and always prior to licensure. McGiffert¹⁰ spoke of the exploitation of internes in the ministry, and the meagerness of the educational value of internship. Calkins, describing "in-service" executive training for business administration, indicated the need for supervision by the school in the interest of effective utilization of the student's time. Means suspected that the medical internship and residence requirements are being carried too far, at least by the specialty boards. It would seem, therefore, that the experience of these professions supports that of the legal profession in New York, where the formal bar-admission requirement of a six-month office clerkship (without university supervision) has been abolished because it failed in most cases to accomplish the desired apprenticeship objective, and became instead an instrument for exploitation of the young law graduate.

¹⁰ President Arthur C. McGiffert, Jr., of Chicago Theological Seminary.

Clinical training, or equivalent field work under supervision, however, has fared well in the estimation of the professions, despite some practical difficulties in organizing the work and in finding suitable teaching personnel. In theology, a year of supervised field work in hospitals and asylums, scheduled between the second and third years of the seminary, is the core of training in spiritual and pastoral care. M. I. T.'s "practice stations" seem to be essentially clinical. In medicine, the salient features of the system are fairly well known: the first or pre-clinical part of the course—consisting of lectures, seminars, and laboratory work—is taught largely by pure scientists rather than physicians. Clinical experience in the teaching hospital is the rule thereafter; the student moves from the role of observer to that of collaborator with the practitioner, taking responsibility for elementary decisions; eventually (in the third or fourth year) he enters upon his "clinical clerkship," where he assumes a substantial burden of responsibility. Lectures and amphitheater demonstrations constitute a reduced portion of the curriculum in the third year, and are eliminated in the fourth year.

What is the relevance of these clinical training programs to law teaching? Clarence Morris writes: "I envied the clinical training of the medics and concluded that law schools could never develop an apprentice training that remotely approached the significance of medical apprenticeship. I fear that our apprentice training must be delegated to the profession itself." Jaffe analyzes the situation as follows:

Can the law schools find any equivalent comparable to the medical clinic? One thing that I learned at the conference was that the student in the medical clinic not only "sees" the patient but makes responsible decisions of an elementary nature. The difficulty of duplicating this method for law students is nearly insuperable. You can "see" a law suit in action; and some court observation is good and feasible. As for the rest you can only "see" legal situations being enacted if you are placed in an office. But "seeing" without the responsibility of decision (though it may be very useful for learning) is not in any sense the equivalent of being a lawyer.

Currie thinks well of the Minnesota legislative drafting bureau described by Riesenfeld. Hurst considers other solutions:

For great urban centers, a vast expansion of legal aid work and of legal service offices for people of small means offers an almost undeveloped field for experiment in providing properly controlled clinical experience for law students or men just graduated; in the smaller towns and rural areas, more experiment with preceptorial systems is called for, and perhaps some modest experiment with legal aid and low-cost legal service work.

Jaffe questions the legal-aid solution: "There are those who wonder whether the law is well seen, fairly seen, through the rather sordid and

unhappy concern of the indigent however deserving of our consideration." Perhaps the preceptorial alternative is more appealing; in principle it is a return to the office clerkship, but under the auspices of the university.

The obstacles, however, are serious ones. Hurst emphasizes the financial problems:

These things won't run themselves; they call for initial capital investment, and for continuing and real supervision. . . . The law schools cannot as a practical budget matter carry this load, nor should they fairly be expected to. If the organized bar in this country had been earning its keep for the past generation, it would long since have entered the situation with financial as well as personnel help, and probably only from the organized bar is there any practical hope in the predictable future that any sizable changes can be made.

Jaffe, on the other hand, is more concerned with the problems of placement and supervision. Experience with law clerkships in the past would indicate that the law school must demand some supervision over the office which undertakes the training of students. As a practical matter, he notes, in the absence of formal requirements or sanctions, "there appears at present to be little likelihood of placing students in offices subject to the joint supervision of school and office."

This conclusion underlies Jaffe's program for further development of the law-school method of "discourse," previously described. But such a solution has obvious limitations: "In so far as legal practice rests in wisdom and acquired technique, these can only be got by practice. There can be no clinic of wisdom."

V

CONCLUSIONS

It might be noted, in closing, that none of the law teachers present volunteered to speak for the profession in the five-minute summaries of "lessons learned" at the last session. Certainly, on fundamental issues and on most questions of method, little that was new for us emerged from the conference. But there was ample evidence that the lawyers are lagging behind some of the other professions in the achievement of specific educational objectives. Perhaps, as someone suggested "off the record," the lesson is that we should stop theorizing about curriculum and should start more spadework for the teaching we *know* we ought to be doing. It may be a more damaging indictment of law teaching that we have failed to make the bar aware of its special social responsibility *to the profession itself* for providing effective clinical opportunities for our students.