

Symposium on Legal Education

Some Thoughts on Law School Curriculum Reform: Scaling the Mountainside

Robert F. Blomquist

Follow this and additional works at: <https://scholar.valpo.edu/vulr>

Recommended Citation

Robert F. Blomquist, *Some Thoughts on Law School Curriculum Reform: Scaling the Mountainside*, 29 Val. U. L. Rev. 641 (1995).

Available at: <https://scholar.valpo.edu/vulr/vol29/iss2/3>

This Symposium is brought to you for free and open access by the Valparaiso University Law School at ValpoScholar. It has been accepted for inclusion in Valparaiso University Law Review by an authorized administrator of ValpoScholar. For more information, please contact a ValpoScholar staff member at scholar@valpo.edu.



SOME THOUGHTS ON LAW SCHOOL CURRICULUM REFORM: SCALING THE MOUNTAINSIDE

ROBERT F. BLOMQUIST*

The curriculum of a modern American law school can be thought of as a mountainside. Standing on a sturdy outcropping of rock, one may be tempted to conclude that the shape, contour, relief, and composition of the mountain has always been—and always will be—what it appears to be today. But such a conclusion would ignore the geomorphological forces of the past which caused the mountainside to change—to uplift or to sink; to freeze or to melt; to expand or to contract—and the forces of the present and future which, over time, will fundamentally alter the terrain.

There are obvious limits to the use of the mountainside metaphor to describe a law school's curriculum. In the first place, the history of the study of law is measured in centuries and decades of practical adjustment,¹ rather than multi-million year periods and epochs of geological turmoil.² Secondly, the

* Professor of Law, Valparaiso University School of Law. B.S. 1973, University of Pennsylvania (Wharton School). J.D. 1977, Cornell Law School. The views in this article are my own and should not be ascribed to the past or present members of the Valparaiso University School of Law Curriculum Committee, law faculty, or law school administration.

1. See *infra* note 8 and accompanying text.

2. See PETER W. BIRKELAND & EDWIN E. LARSON, PUTNAM'S GEOLOGY 47-49 (5th ed. 1989) (discussing the nature of geology and geological time). "The composite geological time scale now in use is a combination of the relative time scale—based on the superposition of beds and the fossil character in the strata—and absolute ages—determined primarily by radiometric dating of . . . rocks." *Id.* at 39. The oldest geological era—the Precambrian—ranges from 3.8 billion years ago to 570 million years ago. The Paleozoic (ancient life) Era ranges from 570 million years ago to 245 million years ago. The Mesozoic (middle life) Era spans the time from 245 million years ago to 66 million years in the past. The Cenozoic Era (recent life) ranges from 66 million years ago to the present. With the exception of the Precambrian Era (which has no subdivisions), the more "recent" geological eras are subdivided into periods and epochs of time. *Id.* According to Birkeland and Larson:

As is now apparent, the history of the earth involves the passage of eons of time. Yet to most of us a few hundred years of history encompass a great deal of time. We look at fragmentary accounts from the days of early Greek, Roman, and Egyptian civilizations and refer to them as ancient history. The gulf between our own culture and those civilizations seems so great that we find it difficult to relate to them. It has only been through the study of the earth that we have come to realize the true vastness of the fourth dimension, time, which extends back to the beginning of our world and beyond. In fact . . . it is the development of the concept of the immensity of geological time that has been perhaps the most significant scientific contribution made by geology. Whereas in the historical world we deal with hours, days, and years, in the geological one we

nature of law school curricular changes is teleological—with some attempt to link ends and means—while the nature of geological change is chaotic.³ Finally, law school curricular change is quintessentially human—driven by complex human interests and motives—while geological change is a non-human result of physical forces within, on, and around the surface of the earth.⁴ Despite the contrasts between law school curricular change and geological change, there are at least two distinct advantages to using the mountainside metaphor. First, the reference of a law school curriculum to a mountainside highlights the lack of perspective which legal educators, lawyers, and students often bring to the enterprise of curricular reform—where surface appearances can predominate and deceive. Second, thinking of the specific components and course of legal education as a mountainside—part of the larger mosaic of a mountain or mountain range—is consistent with the limited, albeit critical, relationship of legal knowledge with the sum total of human knowledge.⁵

Having scaled and reconnoitered the treacherous mountainside of law school curriculum reform at Valparaiso University School of Law, where I chaired the Faculty's Curriculum Committee during the 1993-94 academic year, I feel relieved that I am presently at base camp (assigned to faculty committees less controversial and arduous than the Curriculum Committee). In the spirit of an explorer who has returned from a climbing expedition, I wish to share an account of my experiences as the leader of a recent curriculum reform effort at Valparaiso. My essay attempts to chronicle specific facts and circumstances, while articulating the rationale of our institutional effort to improve the law school curriculum. In the final analysis, however, this essay is highly subjective and impressionistic. My purpose in sharing these thoughts and experiences is to help others who may consider law school curriculum reform in the future, whether or not they agree with my impressions and conclusions.

This Article is divided into three principal parts. In Part I, I describe the curriculum at Valparaiso prior to the curriculum reform proposals of our

deal with thousands, millions, and billions of years—spans so great that they cannot be realistically conceived by the human mind.

Id. at 29.

3. See *id.* at 27 (describing the "immense scale" and "extreme complexity" of geological change).

4. See *id.* at 80-586 (describing the variety of physical forces from continental drift and plate tectonics to weathering to vulcanism).

5. See *The Circle of Learning*, in 1 *ENCYCLOPEDIA BRITANNICA* 5-8 (15th ed. 1985) (describing 10 parts to a sum total of an "Outline of Knowledge" consisting of (1) matter and energy, (2) the earth, (3) life on earth, (4) human life, (5) human society, (6) art, (7) technology, (8) religion, (9) the history of mankind, and (10) the branches of knowledge). This source views Law as a feature of "human society" along with other features such as education, political institutions, and economic growth and planning. *Id.* at 197-203.

Committee. In Part II, I explain the multiple curricular issues faced by our Committee during our research and deliberations and my strategy to focus on implementing reform of the first year curriculum and enhancement of the legal research and writing program. Finally, in Part III, I offer some philosophical musings about the often disappointing nature of law school curriculum reform efforts.

I. THE SURFACE AND SUBSTRATA OF THE MOUNTAINSIDE: THE PRE-REFORM CURRICULUM, 1879-1993

Initially founded in 1879 as the Northern Indiana Law School, the School of Law became subsumed by Valparaiso College in 1905—rechartered as Valparaiso University in 1907.⁶ Approved by the American Bar Association (ABA) in 1929, the School of Law was admitted to membership in the Association of American Law Schools (AALS) in 1930.⁷ Since its founding in the latter part of the nineteenth century, Valparaiso University School of Law's course of study, as with the great majority of American law schools, has been driven and dominated by the traditional case law method of instruction and the educational principles first propounded by Harvard's Christopher Columbus

6. VALPARAISO UNIVERSITY SCHOOL OF LAW, 1994-1995 BULLETIN 10 (1994) [hereinafter VUSL BULLETIN]. Consisting of 310 acres in the City of Valparaiso, county seat of Porter County, Indiana:

Valparaiso University is a private university located . . . 55 miles southeast of Chicago. The University was founded in 1859 as Valparaiso Male and Female College and rechartered in 1907 as Valparaiso University. In 1925 the University was purchased by the Lutheran University Association, an Indiana corporation comprised of persons affiliated with the Lutheran Church-Missouri Synod and interested in actively promoting higher education in the Christian context. Valparaiso University continues to be the largest Lutheran-affiliated educational institution in the United States. The educational programs of the University are conducted through the College of Arts & Sciences, College of Engineering, College of Business Administration, Christ College (an honors program), College of Nursing, and the School of Law. The enrollment of the University is approximately 4,000 students of whom about 700 are graduate and law students.

Id. at 9.

7. *Id.* at 10.

In its [116] years, the School of Law has been housed in four different facilities on the campus of Valparaiso University. Dedicated on April 4, 1987 . . . Wesemann [Hall] houses the Law Library, faculty and administrative offices, Law Review and Moot Court Society offices, Career Services Center, Courtroom, student computer room and word processing lab, student lounge and classrooms. Located next to Wesemann, Heritage Hall houses the Clinical Law Program with a satellite library, classroom space, and client interview rooms. . . . [M]ore than twenty law student organizations share office space in Heritage Hall.

Id.

Langdell during the 1870s.⁸

Built on a foundation of compulsory first-year courses—Contracts, Torts,

8. For a general history of legal education in America through the 1970s, see LAWRENCE M. FRIEDMAN, *A HISTORY OF AMERICAN LAW* 525-38, 567-95 (1973). Langdell's revolutionary changes in American legal education went beyond the case method of instruction, however, to encompass other educational standards. As explained by Friedman:

[In the late 19th century] [t]he stage was ripe for reform or revolution. The first shot was fired in 1870. Charles W. Eliot had become president of Harvard the year before. He appointed Christopher Columbus Langdell a professor in the law school; and in September 1870, Langdell was made dean, a position new to the school. The duties of the dean, on paper, were not very awesome; he was to "keep the Records of the Faculty," prepare "its business," and "preside at its meetings in the absence of the President." But Langdell proceeded, with Eliot's concurrence, to turn Harvard Law School upside down. First, he made it more difficult for a student to get in. If an applicant did not have a college degree, he had to pass an entrance test. The prospective student had to show his knowledge of Latin, translating from Virgil, or Cicero, or from Caesar; he was also tested on Blackstone's Commentaries. Skill in French was acceptable as a substitute for Latin.

Next Langdell made it harder for a student to get out. The L.L.B. course was raised to two years in 1871 and to three years in 1876 By 1899, the school had adopted a straight three-year requirement. The old curriculum had taken up matters subject by subject, as time allowed; it paid little attention to the relationship between courses; students entered and left at their own rhythm. Under Langdell, the curriculum was divided into "courses," of so many hour-units apiece. Courses were arranged in a definite order; some were treated as more basic, some as more advanced. In 1872, Langdell introduced final examinations. A student had to pass these exams after his first year, before going on to the second.

But Langdell's most far-reaching reform, the one for which he is best remembered, was the introduction of the case method for teaching law. This method cast out the textbooks, and used casebooks as teaching materials; these were collections of reports of actual cases, carefully selected and arranged to illustrate the meaning and development of principles of law. The classroom tone was profoundly altered. There was no more lecturer, expounding "the law" from received texts. The teacher now was a Socratic guide, leading the student to an understanding of concepts and principles hidden as essences among the cases. The teacher showed how these concepts unfolded, like a rose from its bud, through a time series of enlightened cases.

Id. at 530-31 (footnotes omitted). Langdell had a theory for his emphasis on the case method. He believed that law was a "science;" it had to be studied scientifically, that is, inductively through primary sources. These sources were the printed cases; they expressed, in manifold dress, the few, ever-present, and ever-evolving and fructifying principles, which constituted the genius of the common law.

Id. at 531. See also CHRISTOPHER COLUMBUS LANGDELL, *A SELECTION OF CASES ON THE LAW OF CONTRACTS* at v-vii (1871).

Law, considered as a science, consists of certain principles or doctrines. To have such a mastery of these as to be able to apply them with constant facility and certainty to the ever-tangled skein of human affairs, is what constitutes a true lawyer; and hence to acquire that mastery should be the business of every earnest student of law.

Id. at vi.

Civil Procedure, Property, and Criminal Law⁹—taught over both semesters to ensure complete doctrinal coverage, by 1993 Valparaiso's law curriculum had evolved to a point where the hoary Langdellian model of legal education had been supplemented by a handful of other curricular modifications, including first-year required courses in Ethics, Legal Writing, and Appellate Advocacy; a required second-year legal writing project; a mandatory "perspectives" course, taken during the second year, from a menu of five courses (American Legal History, Comparative Law, Law and Economics, Legal Process, and Legislation); two required semesters of Constitutional Law and one required semester of Evidence taken during the second year; a required third-year seminar; mandatory third-year courses on both the Legal Profession and Jurisprudence; a twenty-hour *pro bono* requirement; and a variety of upper-division elective courses, optional lecture programs, law student organizations, optional clinical programs, discretionary externship programs, and opportunities to spend summers studying abroad.¹⁰

All of the curricular modifications at Valparaiso up until 1994 were essentially ad hoc and incremental; no record exists of any comprehensive or synoptic deliberation of curriculum reform before 1993.

II. CHANGING THE FACE OF THE MOUNTAINSIDE: KEY CURRICULAR REFORMS, 1993-1994

In August, 1993, upon learning of my appointment as the Faculty Curriculum Committee Chair, I happened to read an advertisement printed in the AALS newsletter offering copies of other law school curriculum reports to interested legal educators.¹¹ Ordering these materials turned out to be a critical step in our Committee's ability to substantiate the wisdom of curricular reform measures to the Valparaiso University School of Law faculty.

When I received the AALS packet of law school curriculum reports in late September,¹² I prepared a strategy memorandum to the Curriculum Committee

9. See generally VUSL BULLETIN, *supra* note 6, at 15-16, 36.

10. *Id.* at 15-19, 36-38, 71-72.

11. AALS Newsletter 21 (August 1993).

12. *Id.* The AALS package of curriculum reports included papers from seventeen American law schools: University of California, Hastings College of the Law; Columbia University; University of Dayton; University of Florida; George Mason University; Harvard Law School; University of Missouri-Kansas City; New York University; University of North Carolina; Nova University; Rutgers School of Law-Camden; Southwestern University; University of Tennessee; University of Utah; Vanderbilt University; Washburn University; and Washington University. *Id.* These reports contain informative descriptions of both the process and substance of curricular change, and include some faculty responses to self-study questionnaires directed at obtaining information about teaching goals and what is being done in the classroom. Other topics include

members (with copies to all law deans and faculty members) entitled *Some Thoughts on Curriculum Reform*.¹³ This communication had three objectives: (1) to create a sense of urgency for our Committee to implement the faculty's desire, expressed at a retreat during the early autumn of 1993, to implement significant curricular change by the 1994-95 academic year; (2) to schedule a series of curriculum reform meetings throughout the fall semester, and a Committee "mark-up" session to finalize recommendations to the faculty that could be acted upon by the faculty's December meeting; and (3) to initiate a dialogue with other faculty members regarding the need and desirability of various curriculum reforms. Labeling my September memorandum a "discussion draft" enabled me to publicly float some ideas I had gleaned from a first reading of the AALS curriculum packet, in conjunction with some reflections about our own unique institutional problems, without appearing to set any proposals in stone.

After listening to the comments of colleagues and students at our annual faculty retreat in September of 1993, it became apparent to me that our two-semester mandatory course requirement during the first year was a barrier to significant curricular reform. Faculty time and teaching commitments were focused on meeting the rigid two-semester course requirements in mandatory first-year courses to the detriment of the ability of faculty to offer additional upper-division courses in fields of faculty research interests. Moreover, the five mandatory first-year courses each semester seemed to drive classroom scheduling, while most of the first-year classes had large numbers of students where intense interaction between professors and students was difficult. The materials in the AALS curriculum report packet reflected similar problems of rigidity with the first-year curriculum at other law schools throughout the country, and offered exciting ideas for breaking the first-year log jam at Valparaiso through "semesterizing" the first-year courses: collapsing required two-semester first-year offerings into one-semester course offerings so that some first-year courses would be taught in the fall semester and other first-year courses taught in the spring semester. To do this, however, required cutting the number of mandatory credit hours in our curriculum.

As a follow-up to my initial strategy memorandum in September,¹⁴ I prepared a second memorandum in October, 1993 entitled *Summaries of Key*

grading systems and co-curricular activities (such as the creation of a second law journal). *Id.*

13. Memorandum from Professor Robert F. Blomquist, Chair, Valparaiso University School of Law Faculty Curriculum Committee, to Members of the Valparaiso University School of Law Faculty Curriculum Committee, 1993-94 (September 29, 1993) (on file with author).

14. See *supra* note 13 and accompanying text.

*Curriculum Reports from AALS Member Law Schools.*¹⁵ This memorandum specifically described recent first-year semesterization actions undertaken by a variety of other American law schools. Indeed, from a functional standpoint, the October memorandum served as my "brief" in justifying similar curricular reform of the first-year courses by the Valparaiso faculty. For example, my October memorandum quoted extensively a published law review essay, contained in the AALS materials, which described Nova University Law School's experience and rationale in implementing first-year semesterization back in the mid-1980s.¹⁶ The Nova faculty had

reduced substantive [first-year] courses to four credit hours from six and moved the Constitutional Law course, also reduced to four hours, to the first year. The distinctive, and perhaps unique, change in the first-year curriculum was structural rather than substantive.¹⁷

According to the Nova essay:

[Nova's] faculty recognized at the outset of [the] curriculum review that much has changed since Langdell bequeathed us the standard fare of first-year courses.

....

[L]egal education in general, and first-year curricula in particular, continue largely unchanged. To borrow from Maitland, Langdell may be dead, but he rules from the grave.

We examined our Langdellian curriculum and found the following deficiencies. Our first-year:

- (1) lumped students into huge classes of 90 or more;
- (2) burdened students with a disproportionately high academic load—first-year courses comprised 38 percent of the credits required for graduation;
- (3) scattered student focus among five substantive courses plus research and writing each semester;

15. Memorandum from Professor Robert F. Blomquist, Chair, Valparaiso University School of Law Faculty Curriculum Committee, to All Faculty Members and Deans (October 8, 1993) (on file with author).

16. *Id.* at 5-7 (quoting Roger Abrams & Michael Masinter, *The New Nova Curriculum: Training Lawyers for the Twenty-First Century*, 12 NOVA L. REV. 77 (1987) [hereinafter *Nova Curriculum*]).

17. *Id.* at 5 (quoting *Nova Curriculum*, *supra* note 16, at 78).

- (4) denied students any overview of either legal education or law as part of a process of self-government;
- (5) concealed the explosive growth of public law;
- (6) ignored the role of legislatures and administrative agencies in the creation of law;
- (7) and eschewed what we disparagingly call "skills training."

With this critique in hand, we returned to our Langdellian curriculum with an obvious question: If Langdell's world is not our world, then why does his curriculum persist?¹⁸

I found Nova's experience in crafting a curriculum proposal particularly relevant to Valparaiso's situation and circumstances. Therefore, I included the following extensive quotation from the Nova essay in my October, 1993 memorandum as "food for thought":

In fashioning a proposal to meet [Nova's self-] criticisms of [its] previous curriculum, the curriculum committee considered the possibility of reducing our six-credit sequences to single four-credit courses. Various schools have reduced one or more of the standard first year classes to three or four credits. That practice, and the general lack of uniformity in assigning academic credit to a subject suggest a larger truth—no course inherently requires any number of credits. Traditionally we have linked academic credit to doctrinal content, viewing the decision to increase academic credit as a way to increase doctrinal coverage. Implicit within the link between credits and doctrinal content is the assumption that our primary responsibility is to teach doctrine. But we concluded that our primary responsibility is to teach analytical reasoning and critical thinking. By deemphasizing the role of doctrinal coverage in favor of teaching critical reasoning, we severed the link between academic credits and coverage. While it remained true that we could teach more contracts doctrine in a ten credit course than a two credit course, it also remained true that neither course offering could cover all the doctrine one might call contracts law. More importantly, the omission of some doctrine in favor of the development of reasoning skills meshed with our view of the relative importance of each within the first year. Thus, we could reduce doctrinal coverage within a given course without reducing its value in teaching critical thinking.

Although we first saw the reduction from six to four credits in

18. *Id.* at 5-6 (footnotes omitted) (quoting *Nova Curriculum*, *supra* note 16, at 78-80).

traditional courses as simply a way of making room in the first year for constitutional law, we recognized during our discussions that hidden within the reduction of six credit sequences to one semester four credit courses was the opportunity [to reduce] the size of our first-year sections.

The revised curriculum [at Nova] abandoned the traditional six hour format for first year courses for sound reasons. By producing a more focused and intensive experience, we gained in our ability to teach analytical skills much more than we lost in doctrinal coverage; each first year teacher has a student for an extra hour each week (up from three to four) who is distracted by two fewer courses (down from six to four). We established a balance of public and private law courses each semester, easing the transition to law school by beginning with those classes which students are more likely to be able to relate to prior life experience.

The expansion of our research and writing program responded directly to the need of our entering students to improve their writing skills and afforded a further opportunity to focus upon analytical reasoning

. . . .

We now have a year's experience teaching four credit, first year classes to smaller sections. While, as expected, first year teachers found it necessary to reduce doctrinal coverage, none reported that the resulting course was educationally deficient. In fact, quite the opposite was the case.¹⁹

My October, 1993 memorandum also quoted from, and made references to, analysis contained in certain unpublished law school curriculum reports, included in the AALS package, pertaining to structural changes in the first-year curriculum similar to Nova's innovations. Significantly, I thought, a number of law schools (University of Richmond, University of California, Hastings College of Law, University of Florida, Marquette University, University of Missouri at Kansas City, University of Dayton, and New York University) had recently semesterized their first-year curriculum to achieve a panoply of educational objectives: facilitating student concentration on fewer courses during each semester of the first year; enhancing flexibility needed for further curricular changes; deemphasizing substantive law coverage for coverage sake;

19. *Id.* at 6-7 (footnotes omitted) (quoting *Nova Curriculum*, *supra* note 16, at 84-86).

emphasizing critical legal thinking in place of doctrinal coverage; facilitating smaller classes during the first year; and encouraging a greater linkage between law professors' scholarly interests and their opportunity to teach courses consistent with those scholarly interests.²⁰

Following the circulation of my September²¹ and October,²² 1993 memoranda, a spirited debate ensued at Valparaiso University School of Law on a variety of curricular issues and ideas. Illustrations of the concerns which surfaced, some related to the first-year curriculum, some not, included the following: the advisability of cutting the required hours for graduation to conform with the norm of other American law schools;²³ the need to restructure the Academic Support Program (ASP) to provide better administration and better educational value for eligible students;²⁴ the wisdom of creating floors and ceilings on student enrollment for classes to improve faculty-student interaction, while efficiently allocating scarce law school teaching resources;²⁵ the desirability and feasibility of structuring more than two sections for first-year courses to achieve smaller first-year class sizes in particular courses;²⁶ the advisability of creating an incentive program for law faculty teaching of "extra teaching loads";²⁷ the need to coordinate first-year curricular reforms with the law school admissions process to avoid an overly-large first-year entering class;²⁸ whether the first-year focus of the School of Law's research and writing program should be continued with additional credit hours mandated during that year, or whether an expanded program, encompassing enhanced research, writing, and skills instruction, should carry

20. *Id.*

21. *See supra* note 13 and accompanying text.

22. *See supra* note 15 and accompanying text.

23. Memorandum from Professor Robert F. Blomquist, Chair, Valparaiso University School of Law Faculty Curriculum Committee, to Members of the Valparaiso University School of Law Faculty Curriculum Committee, 1993-94, at 1 (October 13, 1993) [hereinafter Blomquist Memorandum] (summarizing comments from Committee members at the Curriculum Committee's October 8, 1993 meeting and attaching various written comments by faculty members about curriculum reform ideas) (on file with author).

24. *Id.* at 2. *See also* Memorandum from Mary Beth Lavezzorio, Director of Admissions and Student Relations, to Professor Robert F. Blomquist, Chair, Valparaiso University School of Law Faculty Curriculum Committee (October 28, 1993) (on file with author); Paul T. Wangerin, *Law School Academic Support Programs*, 40 HASTINGS L.J. 771 (1989) (circulated and considered in Valparaiso University School of Law curriculum deliberations by virtue of Memorandum from Professor David A. Myers to Professor Robert F. Blomquist, Chair, Valparaiso University School of Law Faculty Curriculum Committee (October 27, 1993) (on file with author)).

25. Blomquist Memorandum, *supra* note 23, at 3.

26. *Id.*

27. *Id.*

28. *Id.*

1995] *SOME THOUGHTS ON CURRICULUM REFORM* 651

over into the second year of legal studies;²⁹ the advisability of not requiring students to take Evidence during their second year;³⁰ the desirability of moving one of the required second-year perspective courses (Legal Process) to the first year in order to expose first-year students to public law concepts and principles;³¹ whether the teaching of Appellate Advocacy should be removed from the first-year curriculum and taught, in a focused way, during the first semester of the second year of law school;³² and whether a law school should, as a matter of philosophy, set its course by the current practice needs of the legal profession or be more concerned with teaching legal theory.³³

While I was tempted to propose a complex and omnibus curriculum reform package to the Curriculum Committee that would respond to the numerous curricular concerns that had surfaced during October, I decided to follow through with my earlier view³⁴ by trying to steer the Committee (and the law faculty) to adopt a simple first-year curricular restructuring that would entail collapsing our present mandatory two-semester first-year curriculum into a semesterized approach.³⁵ From a process standpoint, however, I thought that an open meeting, with *all* members of the law school community (from faculty to librarians to students to administrators), was necessary before our Committee could undertake the preparation of its final report to the faculty for its December, 1993 meeting.

The Curriculum Committee's Open Meeting on Curriculum Reform was held in early November.³⁶ Due to extensive publicity and outreach efforts, the meeting attracted numerous people; we were fortunate that Professor Victor G. Rosenblum of Northwestern University School of Law, a nationally known

29. *Id.* at 4-5. See also Memorandum from Professors Michael Straubel, Ruth Vance, Mary Persyn and Linda Kibler to Members, Valparaiso University School of Law Faculty Curriculum Committee (October 4, 1993) (on file with author).

30. Memorandum from Professor Paul Brietzke to Members, Valparaiso University School of Law Faculty Curriculum Committee (October 5, 1993) (on file with author).

31. Memorandum from Professor Jack A. Hiller to Members, Valparaiso University School of Law Faculty Curriculum Committee (October 7, 1993) (on file with author).

32. Memorandum from Dean Edward Gaffney to Professor Robert F. Blomquist, Chair, Valparaiso University School of Law Faculty Curriculum Committee (October 7, 1993) (on file with author).

33. Memorandum from Professor Jack A. Hiller to Members, Valparaiso University School of Law Faculty Curriculum Committee (October 22, 1993) (on file with author).

34. See *supra* notes 13-19 and accompanying text.

35. See *supra* notes 12-20 and accompanying text.

36. Memorandum from Professor Ruth C. Vance to Members, Valparaiso University School of Law Curriculum Committee (November 9, 1993) (consisting of minutes of the November 5, 1993 open forum) (on file with author).

figure in legal education and former President of the AALS,³⁷ was also able to attend our meeting. The meeting catalyzed considerable interaction and discussion about a number of curricular issues. First, our Committee members explained in detail the concept and background of semesterizing first-year courses to an audience of diverse interests within our law school community; I candidly pointed out that it would be my objective, as Committee Chair, to suggest to the faculty that we begin the process of curriculum reform with an initial proposal limited to first-year semesterization. Second, first-year professors responded to the idea of semesterization and offered constructive suggestions for crafting the specific Committee proposal; in general, first-year professors in attendance at the meeting supported the idea of first-year semesterization of courses with some reservations. Third, students, faculty, and administrators debated possible drawbacks of semesterizing first-year courses.

These potential drawbacks, brought out in discussion, included concerns that students might graduate from law school without receiving a "well-rounded" education in basic doctrinal concepts; worries that first-year professors would have difficulty in deciding what to "cut" and what to retain in truncated courses; uncertainties about whether upper-division electives to take up substantive material cut during the first year would really be added to the evolving law school curriculum in the future; concerns that the semesterized first-year courses might end up focusing merely on "black letter law" basics; fears that Valparaiso might be simply trying to "follow the pack" in launching semesterization rather than pursuing the School of Law's distinct values; and worries that by both semesterizing first-year classes and insisting on uniformly smaller first-year sections, the School of Law would encounter resource allocation issues in shifting relatively more law school resources to the first-year curriculum and placing some professors in a position of being involuntarily required to teach a first-year section which they would not otherwise want to teach. Finally, the participants at the November curriculum forum talked about numerous curricular issues other than first-year semesterizing of courses, including the following topics: the advisability of adding a required course in Administrative Law or Legislation during the first year; a proposal for injecting pass/fail seminars during the first year; the need for an orientation course for entering first-year students to acclimate them to the study of law; whether greater or less use of third-year teaching assistants for first-year Legal Writing should be implemented; how the semesterizing proposal would impact on student time constraints to pursue the Legal Research and Writing course during the first year; whether the existing law student honor code served to hinder or advance the legal educational process; the adequacy of the existing Academic Support

37. Professor Rosenblum was President of the AALS during 1987. ASSOCIATION OF AMERICAN LAW SCHOOLS, THE AALS DIRECTORY OF LAW TEACHERS 1993-94, at 4 (1994).

Program; and how the law school could get members of the bench and bar to increase their interaction with law students and provide the students with mentoring advice.

Following the Open Meeting on Curriculum Reform, I prepared a draft report to members of our Curriculum Committee that focused on a plan for semesterizing the first-year curriculum at Valparaiso. At its mid-November 1993 meeting, the Committee voted to adopt my draft, with minor changes, and to transmit the recommendations to the law faculty for consideration at their December meeting.³⁸ The Committee's *Recommendations for Curriculum Reform Report*,³⁹ submitted to the law faculty, stated as follows:

Introduction

Since the subject of curriculum reform was first raised at the September Faculty Retreat, the Curriculum Committee has worked hard to study ideas for curriculum improvement. From the outset of our deliberations, we made a conscious decision to open the process to all constituencies of the law school community. In this regard, we have tried to provide all interested persons with full access to our written reports, memoranda, and analyses. We have also tried actively to solicit comments, suggestions and input from students, staff, faculty and deans, while comparing our curriculum with curricular developments in other AALS law schools.

Literally hundreds of pages of documents were distributed to you during the last few months to keep you informed of our progress. These materials form a baseline for our recommendations and will, no doubt, provide important food for thought regarding further proposed curricular improvements in the future. The Committee thanks everyone who took the time to provide us with input, suggestions and ideas. We are proud, as a committee, not only of the substance of our final work product, but also of the quality of the process values that we have emphasized in our deliberations.

The culmination of our work this semester, prior to meeting as a committee to decide on a set of recommendations to the faculty, was an "Open Meeting on Curriculum Reform."

38. Memorandum from Professor Robert F. Blomquist, Chair, Valparaiso University School of Law Faculty Curriculum Committee, to Faculty, Librarians, Deans and Student Bar Association (SBA) Representatives (November 18, 1993) (on file with author).

39. VALPARAISO UNIVERSITY FACULTY CURRICULUM COMMITTEE, RECOMMENDATIONS FOR CURRICULUM REFORM REPORT (November 17, 1993).

Proposed Curriculum Improvements

- A. The Curriculum Committee recommends that beginning with the 1994-95 academic year, the following changes take place in the first-year curriculum [of Valparaíso University School of Law] on a two-year experimental basis:

1. As a general rule, each substantive course in the first-year curriculum should be divided into two sections of equal numbers of students, with each section . . . taught by one professor. However, faculty members who are presently not teaching a first-year course should be encouraged by the administration to teach a first-year course. In the event that more than two professors are willing to teach a first-year course, that course should be divided into additional sections (for example, if three professors wish to teach Torts, Torts should be divided into three sections). The goal of the law school is that each first-year teacher have at least one section of 40 or fewer students in one substantive first-year course. The Dean's Office should take appropriate action, including granting financial incentives to faculty, to effectuate this goal.
2. In place of the current first-year curriculum . . . the following courses should be required:

Fall Semester

Civil Procedure	Cr. 5
Criminal Law	Cr. 3
Property	Cr. 5
Legal Problems I	<u>Cr. 2</u>
Total Cr.	15

Spring Semester

Constitutional Law	Cr. 5
Contracts	Cr. 4
Torts	Cr. 4
Legal Problems II	Cr. 2
Ethics	<u>Cr. 1</u>
Total Cr.	16

- B. The Curriculum Committee recommends that the following minor miscellaneous changes take place beginning with the 1994-95 academic year on a permanent basis:

1. Courses offered only on an occasional basis should be designated as such in the catalogue.
2. Courses that have not been offered for three consecutive years should be deleted from the catalogue, although they remain approved courses.

Rationale for the Proposals

While the Committee considered additional changes to be submitted to the faculty at their December 1, 1993 meeting (e.g., reform of the first-year writing program, rethinking the second-year legal writing requirement, restructuring the ASP, etc.), upon further reflection, the Committee concluded that changes in these areas should be postponed. The Committee believes that a necessary first step is a bold, structural reform of the first-year curriculum involving "semesterizing" the five existing standup courses presently taught in the first year, and adding a sixth first-year semesterized course in Constitutional Law (shifted from the second year). Frankly, implementing this fundamental change in the first-year curriculum is enough to occupy our immediate collective attention for the time being. The Committee will continue to deliberate on these second-order issues and other curricular matters next semester and will possibly present additional proposals to the faculty next spring that would take effect with the 1995-96 academic year.

The rationale for the proposed "minor miscellaneous changes" in . . . this report are obvious: to provide clarity in what courses are offered from year to year, and to prevent students from being misled about courses that are actually taught at the law school.

The guts of our proposal, then, are the proposed changes in the first-year curriculum culminating in six, one-semester required courses (three taught each semester). The following reasons support this proposed change:

1. The proposal to semesterize and streamline first-year courses—changing the multiple first and second-year required courses that presently consume two semesters—is designed primarily to prevent a law school teaching model overemphasizing substantive law "coverage," which the Committee concludes may detract from critical legal thinking, detracts from a tie-in by professors with pertinent scholarly interest in the subject (to the extent that they are

required to teach these courses over two semesters, and thereby miss opportunities to teach in a subject of their particular scholarly interest), creates a lockstep large class pattern needed to accommodate the required classes, and thereby reduces students' chances—in large required class settings over two semesters—to interact with faculty on a deeper, more relaxed, intellectual level.

2. Much has changed since the nineteenth century when Christopher Columbus Langdell bequeathed us the standard fare and structure of first-year courses over two semesters. If Langdell's world is not our world—on the cusp of the twenty-first century and the Third Millennium—then why does his substantive and structural first-year curriculum persist?
3. We, and other law schools following the Langdellian nineteenth century model of first-year legal studies, have equated academic credit to doctrinal content, viewing the decision to increase academic credit as a way to increase doctrinal coverage. But, as pointed out by Nova University's Curriculum Study, "[i]mplicit with the link between credits and doctrinal content is the assumption that our primary responsibility is to teach doctrine." . . . Like the Nova Curriculum Committee, however, we conclude that "our primary responsibility is to teach analytical reasoning and critical thinking. By deemphasizing the role of doctrinal coverage in favor of teaching critical legal reasoning," *in the curriculum as a whole*, we will sever the link between academic credits and coverage. . . . Moreover, the Committee is convinced that we can reduce doctrinal coverage within a given first-year course (note that we are proposing only a one-credit reduction in each of the six substantive courses) without reducing the course's value in teaching critical thinking.
4. By producing a more focused and intensive first-year experience through the semesterizing proposal, we will gain in our collective ability to teach analytical skills much more than we will lose in "doctrinal coverage." Each first-year teacher will have students for one or more extra hours per week, [and these students will be] distracted by two fewer courses (down from five to three). While the Committee expects that first-year teachers will find "it necessary to

reduce doctrinal coverage" in their courses, we anticipate—based on the documented experiences of other AALS law schools—that no first-year professor will report "that the resulting course [is] educationally deficient. In fact, quite the opposite [will be] the case," when the synergistic positive ripples on the total first-year learning experience and overall law school learning experience are realized, and professors have an opportunity to rethink their first-year courses to explore critical legal thinking possibilities rather than mere doctrinal coverage.

5. Concentration on fewer major courses (three instead of five) during each semester of the first year (with fewer final examinations) should enhance student performance during this critical year of their legal studies.
6. A shortening of first-year courses into one semester (shaving one credit hour off each course and including Constitutional Law in the package) will provide more flexibility in classroom scheduling, facilitate increased sectioning (and thereby smaller classes), offer an enriched "Foundation Curriculum," and introduce our first-year students to a greater number and diversity of our faculty
7. Some of the content omitted from the first-year courses can resurface in new or restructured courses in the second or third years—chosen and tailored by the individual student to meet his or her specific interests. Indeed, allowing greater student choice in upper-division courses would probably increase overall student interest and motivation in the second and third years.
8. Since the first-year curriculum "drives" the upper-level curriculum, the proposed structural changes in the first year, with semesterized course offerings, will pave the way and provide the flexibility for possible future curricular innovations in the second and third years (e.g., expanded legal writing courses, etc.).
9. Semesterizing first-year courses is consistent with the vast majority of other AALS schools and is consistent with recent national trends in legal curriculum reform during the past five years.

10. Semesterizing all present first-year courses and adding Constitutional Law into a new experimental first-year curriculum will allow all first-year professors to personally experience the change, rather than only a few [professors], if the change were to be implemented on a piecemeal basis. This universal, direct experience will help the faculty to make a more reasoned and informed future judgment about the wisdom of making permanent this proposed two-year experimental change.
11. The vast majority of existing first-year professors . . . enthusiastically support the semesterizing concept.
12. The SBA [Student Bar Association] supports this proposal on the experimental basis suggested.

In considering our recommendations, please keep in mind that curricular reform is properly an ongoing organic process. This moment should not be seen as a once-in-twenty-year event, but as the beginning of a process in which our curriculum will continually evolve in a rapidly changing world. Through experimentation and adjustment, we will discover how best to implement any reforms the faculty now adopt. In time, additional reforms may well prove desirable.⁴⁰

Prior to the faculty December, 1993 meeting, however, I decided, after consultation with other Committee members, to suggest two minor modifications to our Committee report: (1) to alter the specific first-year courses taught during each semester to accommodate preexisting scheduling arrangements necessitated by the School of Law's part-time program;⁴¹ and (2) to require first-year students to take four credits of introductory Constitutional Law during the first year and two credits of advanced Constitutional Law during the fall semester of the second year.⁴² With these modifications, the Committee's report passed overwhelmingly—with implementation to begin during the 1994-95

40. *Id.* at 5 (citations omitted; appendix omitted).

41. See Memorandum from Mary Beth Lavezzorio, Valparaiso University School of Law Director of Admissions and Student Relations, to Professor Robert F. Blomquist, Chair, Valparaiso University School of Law Faculty Curriculum Committee (November 19, 1993) (on file with author).

42. The rationale for this departure from the original semesterization proposal was that Constitutional Law is central to all American law and should be covered more extensively than what could be provided in a first-year one-semester course. While this change cut against the general theory of our proposed change, which emphasized critical legal thinking instead of doctrinal coverage, it became politically necessary to make the change.

academic year for entering first-year students.⁴³

With what I viewed as the key structural change in the first-year curriculum assured by the faculty's action at the December, 1993 meeting, I resolved to recommend to our Committee that it focus on three major substantive curricular reform issues during the remainder of the 1993-94 academic year: (1) upper-division courses; (2) legal research and writing; and (3) the Academic Support Program (ASP). Trying to replicate the synergy and enthusiasm of our Open Meeting on Curriculum Reform, I recommended to the Committee that we hold three "seminars" on these issues during the 1994 spring semester. The Committee acquiesced in my recommendation; I appointed individual Committee members to act as presenters for these seminars and to prepare background information for presentation to those in attendance. The designated Committee presenters prepared informative and thoughtful background information which was distributed to the law school community, along with invitations to participate in the three separate curriculum seminars held during the spring of 1994.⁴⁴ Hoping to add to the public dissemination of the ideas discussed at these curriculum seminars to the wider law school community, I arranged to have each of the seminars videotaped by the School of Law's audio-visual personnel. Perhaps because it was spring, these curriculum seminars attracted fewer students than the November forum on first-year course semesterization. As the spring semester drew to a close, our Committee decided to forego any recommendations to the faculty on the subjects of upper-division courses and the Academic Support Program; rather, because of a general perception that Valparaíso needed to bolster its preexisting legal research and writing program, we decided to propose a strategic expansion of the legal research and writing program that could be acted upon by the faculty before the end of the spring 1994 semester. The law faculty approved the Committee's recommendation to refocus the existing legal research and writing program to a required two-credit course in legal research and introduction to legal writing during the fall semester

43. See Minutes of Valparaíso University School of Law Faculty, General Session (December 1, 1993) (on file with author).

44. See generally Memorandum from Professor Robert F. Blomquist, Chair, Valparaíso University School of Law Faculty Curriculum Committee, to Members of the Faculty Curriculum Committee (February 23, 1994) (setting forth the spring 1994 Curriculum Committee schedule); Memorandum from the Curriculum Committee to the Law School Community (March 25, 1994) (addressing upper-division courses); Memorandum from Professor Richard G. Hatcher, Director, Valparaíso University School of Law Academic Support Program, to Members of the Law School Faculty (undated) (discussing proposed changes to the Academic Support Program); Memorandum from Professor Ruth C. Vance to Members of the Curriculum Committee (April 28, 1994) (providing minutes of April 13, 1994 meeting and seminar on the Academic Support Program); Memorandum from Registrar Joanne Albers to the Curriculum Committee Members (April 11, 1994) (providing minutes of March 30 forum on upper-division courses); Memorandum from Kevin Sprecher to Members of the Curriculum Committee (March 21, 1994) (providing minutes of March 15 meeting on legal writing programs) (all on file with author).

of the first year, followed by a required three-credit course in Legal Writing, Reasoning and Research during the spring semester.⁴⁵

III. MUSINGS ON SCALING THE MOUNTAINSIDE

Having served as Chair of a law school faculty Curriculum Committee, with an ostensible mandate from the faculty to propose extensive curricular reform, I have concluded that attempting to scale the mountainside of law school curricular reform is, simultaneously, an exhilarating, treacherous, and frustrating experience. I offer the following philosophical and practical observations about my experience for future would-be reformers.

1. I have a sneaking suspicion that law school curricular reform runs in circular paths. As Professor Victor G. Rosenblum observed, American law schools "are currently in an era of shortening things."⁴⁶ While first-year course semesterizing is a clear trend in the American legal education community, a legitimate question exists as to whether "[b]y shortening course lengths, students have no time to reflect, discuss, and ponder."⁴⁷ In a similar circular fashion, I wonder whether the current law school trend of enhancing legal research and writing programs by adding course credit requirements will at some future decade be cut back—with legal educators taking the position at that time that law firms should have the responsibility of providing advanced research and writing programs for new attorneys.

2. The controversial nature of curriculum reform proposals in American law schools is usually interpreted by some members of a law faculty as politically threatening. For example, in 1982 Professor Charles Nesson of

45. The faculty followed the Committee's recommendation and eliminated an unpopular second-year legal writing requirement (one credit) that had entailed professors voluntarily assuming responsibility for 10-12 students in a second-year course and providing critiques of drafts of short essays prepared by the second-year students in the relevant subject area. The faculty action did not change the preexisting third-year two-credit seminar requirement (requiring preparation of a substantial piece of legal writing as part of the seminar). See Minutes of Valparaíso University School of Law Faculty Meeting, General Session 3 (April 20, 1994) (on file with author). The Curriculum Committee had a practical concern about how the School of Law might staff the enhanced legal research and writing program during the first year (increasing requirements from a total of four credit hours to five credit hours). The Committee's recommendation to the faculty was to employ volunteer library staff personnel to help in teaching the research component of the enhanced research and writing program. *Id.* See generally VUSL BULLETIN, *supra* note 6, at 37 for a description of the specific timing and sequence of the legal research and writing program as adopted by the faculty at its spring 1994 meeting.

46. Memorandum from Professor Ruth C. Vance to Members of the Valparaíso University School of Law Faculty Curriculum Committee 3 (Nov. 5, 1993) (open meeting on curricular reform; quoting Professor Rosenblum's remarks at the forum) (on file with author).

47. *Id.*

Harvard University Law School objected to Harvard's Committee on Educational Planning and Development report.⁴⁸ In highly political prose, Professor Nesson explained his reaction to the extensive curricular proposals made by the Harvard Committee. According to Nesson:

I concur in the report with utmost reluctance. At other times and places perhaps I would be enthusiastic about it. My problem is that at this time . . . it is not what we need—chicken soup. The report is the statement of our chairman, elegant and thoughtful about distant goals of education, but blind to the central problem which afflicts this faculty and which afflicted our committee. It fails to attack the fundamental problem of the school.

I do not think that the faculty should take up and discuss the report at this time. Such a discussion is likely to provide just another field of battle in an ongoing war within our faculty, when our central objective at this point should be to produce peace.

We are a highly politicized faculty, whether we admit it to ourselves or not. Relationships among us are deeply affected, often adversely, by political assumptions about each other's motivations and actions. Much of our life is defined by how we vote, not simply because of the outcome, but because friendship, respect, empathy and intellectual discourse is bounded to a significant extent by party lines.⁴⁹

3. In light of the inevitable political nature of law school curriculum reform, the costs of "holistic curricular innovation"⁵⁰ are great and the benefits of questionable value. Accordingly, the overarching philosophical question becomes whether "any significant degree of innovation [is] possible?"⁵¹

48. HARVARD LAW SCHOOL, THE PRESENT STATE AND FUTURE DIRECTIONS OF LEGAL EDUCATION AT HARVARD: GENERAL CONSIDERATIONS (tentative final draft, April 21, 1982).

49. Memorandum from Professor Frank Michelman, Chair, Harvard Law School Committee on Educational Planning and Development, to Harvard Law School Faculty (April 26, 1982) (attaching copy of separate statement of Charles Nesson) (contained in AALS information packet on curriculum).

50. See Lewis D. Solomon, *Perspectives on Curriculum Reform in Law Schools: A Critical Assessment*, 24 U. TOL. L. REV. 1, 27 (1992). "Holistic curricular innovation" may be defined as curricular innovation that seeks "to integrate skills, theory and professional responsibility into the traditional doctrinal base" in a comprehensive manner. *Id.*

51. *Id.* at 35. Professor Solomon discusses "five organizational obstacles to innovational success," including the following: (1) conformity to norms; (2) the zero-sum nature of innovation that produces positive effects in one area and negative effects in another; (3) individual vested interests in an organization; (4) resistance to reform based on concepts of taboo or ritual; and (5) hostility to outside intervention. *Id.* at 35-36. Moreover, Professor Solomon identifies six specific

4. As the experience of the Valparaíso University School of Law Faculty Curriculum Committee during the 1993-94 year demonstrates, despite the passage of both proposals by the Committee, one for semesterizing the first-year curriculum, and the other for enhancing the legal research and writing program, law faculties are "deeply divided . . . on virtually all important matters."⁵² Despite the surface success of the piecemeal curricular innovations that our Committee proposed, I personally encountered comments from colleagues that attempted to cast aspersions on the motive for the curricular changes and attempted, in varying respects, to warp and mischaracterize the rationale for the proposals. Indeed, in my opinion, the prospects for significant future substantive curricular innovation at Valparaíso will be hindered by suspicions raised as a result of our Committee's modest attempts to change the structure of the first-year courses and enhance the first-year legal research and writing program.

5. While I was optimistic at the beginning of my experience as Chair of

limiting factors to "significant curricular reform" in American law schools as follows:

1. The conservatism of higher education institutions and law schools flowing from their role as devices which permeate culture with a "long traditional of custom and precedent" is not particularly compatible with innovation.
2. Institutional prestige is not based on innovation. Because "the accepted roads to academic prestige and advancement are not those of unconventionality," innovation may not be a useful endeavor for an academic institution or academics.
3. Given deep faculty socialization with law and legal education during their years as law students, together with their years in academia, innovation that runs against the grain is likely to be viewed as "deviant." A number of strands underpin faculty inertia, including insecurity, feeling threatened by anything new, intolerance of research efforts except endeavors focusing on doctrinal manipulation or abstract theorizing and disdain toward the practice of law Self-perpetuation furthers inertia. Traditionalists were good at analyzing when they were law students
4. Academia treats professors as independent actors. Faculty independence and autonomy promote a large degree of passive resistance to innovation. The Cramton Report noted that faculty autonomy "stands in the way of any significant institutional effort to provide greater coherence and structure to the three-year course of study—particularly in the area of skill training."
5. Academics remain skeptical about the concept of efficiency in academic life. Common organizational needs are difficult to demonstrate; varied standards of achievement abound.
6. Academia is structured to resist significant change. Elaborate and slow procedures exist for proving change. Change involves a large number of people and groups thereby subjecting innovation to a number of institutional obstacles. The academic calendar makes it difficult to sustain faculty interest over the years required to consider and implement changes.

Id. at 36-37 (footnotes omitted).

52. *Id.* at 37 (quoting JOHN CORSON, *THE GOVERNANCE OF COLLEGES AND UNIVERSITIES* 99 (1975)).

1995] *SOME THOUGHTS ON CURRICULUM REFORM* 663

the Valparaiso University School of Law Curriculum Committee during the 1993-94 academic year of the prospect of holistic curricular reform through persuading my colleagues to consider the general interests of the law school and its curriculum over their own personal autonomy and turf-protecting, I now agree that "some degree of external regulation [by the legal profession] may be required to overcome faculty inertia and an idealized notion of faculty autonomy,"⁵³ at our law school, and at other American law schools. Indeed, "the required external regulation should be directed to promoting a more pervasive emphasis on the development of professional skills and an integration of legal theory and practice throughout the law school curriculum."⁵⁴

6. In my experience, perhaps the greatest exhilaration and benefit of engaging in discussions of curriculum reform is that it affords legal educators the opportunity to reach out to other constituencies within the law school community and the larger legal community and to learn of their concerns and priorities. Too often, law professors are caught up in their own academic research interests; too often, they view their own autonomy as an excuse for any type of institutional change. Yet, without a process of constant reexamination of the law school curriculum, where good features are retained and mediocre aspects are jettisoned, legal education is destined to become a living dinosaur.

7. Whatever the frustrations of the process of law school curricular reform, we need to continue trying to scale the mountainside to the best of our abilities.

53. Soloman, *supra* note 50, at 42.

54. *Id.* Cf. John J. Costonis, *The MacCrate Report: Of Loaves, Fishes, and the Future of American Legal Education*, 43 J. LEGAL EDUC. 157 (1993) (critiquing the skills-oriented vision of the MacCrate Report).

