

A New Curriculum For the College of Law of The Ohio State University

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BACKGROUND

Just ten years ago there appeared, under the present title, a résumé in this Journal¹ of the then new curriculum which went into effect beginning with the Fall of 1939. That curriculum was built, basically, upon the thesis that the imparting of information concerning controlling legal concepts and procedures, while important, should not be the sole objective of legal education; that pedagogical effort should at the same time be directed toward (1) the cultivation of adequate professional, social, scientific and scholastic attitudes, (2) the development of such technical skills as effective expression and office and court practice, and (3) the stimulation of powers of analysis and synthesis, not only with respect to strictly "legal" materials but also as to social, political, and economic matter.² To implement this broadened conception of legal education, courses in Legal Method and Legal Institutions were introduced into the first year; certain second- and third-year courses, traditionally elective but deemed fundamental to achievement of the broadened objectives, were made required; seminar training in some significant field of legal control was made mandatory in the third year; and Reading Courses were introduced, along with the principle of alternation of some electives, in order to compensate for the credit hours added within the traditional three-year period of study, retention of which was considered as *datum*.

Experience with these curricular innovations has combined with a decade of active ferment in pedagogical inquiry³ to suggest the great desirability, if not the urgent necessity, of further improvement of the law curriculum along the lines envisaged ten years ago. The past decade, for one thing, has brought heightened realization that Law is today a product of the two great processes of legislation and adjudication, each of which is engaged in by more than one legal institution. Thus, today, the judiciary is but

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¹ 5 OHIO ST. L. J. 344 (1939).

² A full statement of objectives appeared in each bulletin of the College of Law. See, e.g., the Bulletin for 1948-1949, p. 8.

³ Instances in point are the creation by the Association of American Law Schools of a standing Committee on Teaching and Examination Methods, and the Association's generally increased emphasis upon matters of legal pedagogy typified by its establishment of the Journal of Legal Education.

one of three great agencies of adjudication; in public law, administrative tribunals decide many times over the number of issues resolved by American courts while in the commercial and labor areas of private law, arbitration is increasingly preferred to judicial resolution. And lawmaking, once the furtive function of courts in their evolution of the common law, is now in great part the task of legislative assemblies and administrative rule-making bodies. Appropriate recognition in legal pedagogy of this multiplicity in operating legal institutions would seem essential if legal education is to be adequate in the present day.

In the middle of this decade there was presented to the Association of American Law Schools, by its Committee on Curriculum, a most significant Report prepared by the then chairman, Professor Karl N. Llewellyn of the Columbia University Law School.⁴ It was the central "argument" of this Report "that legal education is in proper essence and purpose a training for *work* as a lawyer, and that knowledge of the law is only one of many needed lines of training." Against this thesis the inadequacies of "the case-teaching tradition," notably with respect to training in statutory construction, advocacy, counselling, and drafting, were revealed; and as to some of these neglected areas the attempt was made to sketch workable teaching techniques. Making no pretense at exhaustiveness, the Report left a challenge both for the preparation of a completed inventory of those capacities which, in combination, mark the able functioning lawyer and for the fashioning of the varied instructional techniques necessary for effective training in these capacities.

This challenge the Curriculum Committee of the College of Law accepted as basic to the full fruition of the principles underlying the curricular improvements commenced in 1939. Some aid was had from preliminary investigations along both lines that have been made by the Committee on Teaching and Examination Methods of the Association of American Law Schools;⁵ beyond this, however, the College Committee proceeded independently in an effort to meet the pedagogical challenge thus presented. The Committee proceeded on an admittedly *a priori* basis, first to identify the major legal capacities and later to build a curriculum designed, through suitable teaching techniques, to provide at least minimal training in all capacities thus isolated. After nearly two years of work the Curriculum Committee submitted its findings and proposals to the full Faculty of the College of Law. Careful consideration eventuated in acceptance, with modifications, of both the Inventory of Major Legal Capacities and the resulting Curriculum. Approval

⁴ HANDBOOK, ASSOCIATION OF AMERICAN LAW SCHOOLS 159 (1944).

⁵ HANDBOOK, ASSOCIATION OF AMERICAN LAW SCHOOLS 86-101 (1942); HANDBOOK, *id.* 75-80 (1947).

of the University Council on Instruction then followed, making it possible to inaugurate the new plan with the first-year class entering in the Fall of 1949.

INVENTORY OF MAJOR LEGAL CAPACITIES

The lettered headings in the basic inventory express the major objectives of legal education, for the very purpose of the effort at identification of these capacities was thereby to fix an optimum frame of reference for the improvement of law teaching. The sub-headings, in detailing the major categories of legal capacity and hence the major objectives of legal education, provide the guideposts for construction of a law curriculum, embrative of all elements that must be compounded in the adequate training of an able, working lawyer.

1. DIFFERENTIAL

A. LEGAL INFORMATION

1. Basic Substantive Rules, Principles, Concepts and Standards
2. Basic Adjective Rules, Principles, Concepts and Standards

B. LEGAL INSIGHTS

1. *Legal Function*

Objective — to impart an understanding of the major theories of the purpose and end of law; to develop an appreciation of law's potentialities and limitations as one alternative system of social control, by contrast with other major systems; to instil an awareness of it as an instrument of public and private policy effectuation.

2. *Legal Institutions*

Objective — to afford an awareness of the institutional pattern of legal systems; to impart a grasp of law's basic institutions as they have evolved into their present state of development; to instil an appreciation of law as a learned profession and of its basic traditions.

3. *Legal Method*

Objective — to impart a working understanding of the fluidity of language; of the major philosophies of law; of the principles of syllogistic and inductive logic; of the principles of reasoning by analogy and analyzing by classification; of the characteristics of judicial, legislative, and administrative methodology.

4. *Legal Policy*

Objective — to create an awareness of the major and minor policy issues underlying the legal system; to develop an understanding of the value-judgments involved in choice of agency for policy-formation and policy-effectuation; to instil a sensitive awareness of the role of discretion in administration of policy; to afford insight into alternative techniques for implementation of policy.

C. LEGAL SKILLS

1. Dialectical

a. *Fact Discrimination*

Objective—to develop analytical capacity to discriminate in terms of legal relevance, probative value, and persuasiveness.

b. *Case Analysis*

Objective—to develop analytical capacity for finding the *ratio decidendi* and the principle of judicial and administrative decisions.

c. *Statute Analysis*

Objective—to develop analytical capacity for the technical interpretation of legislation promulgated by legislative assemblies and administrative agencies.

d. *Legal Synthesis*

Objective—to develop capacity for systematic formulation of legal principles and concepts, and for distinguishing and reconciling statutes and decisions.

e. *Issue Analysis*

Objective—to develop diagnostic capacity for the identification and classification of legal issues in raw fact patterns.

f. *Issue Disposition*

Objective—to develop capacity for discriminating application of legal principles and concepts to the resolution of legal issues.

2. Technical

a. *Legal Advocacy: Adjective*

Objective—to develop technical capacity for competent presentation of issues before legislative and adjudicative bodies.

b. *Legal Advocacy: Argumentative*

Objective—to develop capacity for persuasive argumentation of issues before legislative and adjudicatory bodies.

c. *Legal Draftsmanship*

Objective—to develop technical capacity for the competent drawing of representative private law and public law documents.

d. *Legal Research*

Objective—to develop capacity for effective use of legal and related materials.

e. *Legal Writing*

Objective—to develop capacity in preparing effective written legal memoranda and commentary.

II. INTEGRAL

D. LEGAL PRACTICE

1. *Legal Counselling*

Objective—to develop capacity for the effective advising of office clients.

2. *Legal Negotiation*

Objective — to develop capacity in both adjective and substantive representation of interests through informal, non-litigious procedures.

3. *Legal Contestation*

Objective — to develop capacity for effective practice of remedial law through litigious procedures.

4. *Legal Planning*

Objective — to develop capacity for effective practice of preventive law through design of legal techniques for the realization of private and public policy objectives.

Several observations should be made with respect to the Inventory as it stands. Almost superfluous is the comment that no pretense is made either of its complete adequacy or of its finality. Constructive criticism from all quarters is solicited to the end that improvements in it, and corresponding adjustments in curriculum, may be made as future occasion offers. It is apparent that no effort has been made to identify specifically the substantive and adjective principles, *etc.*, deemed basic to the acquisition of essential legal information. As a *modus operandi*, the College Committee and Faculty employed traditional law-school assumptions, current Bar Examination requirements, and undelineated general conceptions. Each of these criteria admittedly speaks in terms of subject-matter, rather than of underlying principle; direct identification of those principles, *etc.*, which are basic to legal understanding in the informational sense must await the future. The four lettered headings in the Inventory (A, B, C, and D) are subsumed under two primary divisions (I and II) for the purpose of distinguishing between the three component categories of capacity, on the one hand, and, on the other, that category of capacity which involves integration of elements of these three component categories into effective legal practice. Under category C are catalogued a total of eleven elements, denominated skills and divided into the two subcategories of "Dialectical" and "Technical." In the first subcategory are placed those mental processes which are involved in what often is vaguely called "thinking like a lawyer"; the second subcategory collects the skills associated with technical legal "know-how." Category C might profitably be divided into two separate categories, the first concerned with "Legal Reasoning" and the second with "Legal Techniques." Finally, apology of a sort may seem to be in order regarding the terminology employed in the Inventory. The terms used were selected for their descriptive value, not for their show of erudition. If, as is undoubtedly true, some are unsatisfactory, explanation lies in the fact that this pedagogical venture was essayed without the aid of familiar or even existent terminology.

THE NEW CURRICULUM

Having agreed, for working purposes, upon the Inventory, the College Committee, and, later, the full Faculty, made strenuous efforts to lay aside pedagogical predilections in probing its implications for curricular improvement. After facing, in addition to difficult questions of teaching theory and practice, the realities of restricted faculty numbers and limited budget, there was evolved a curriculum which, in the traditional three academic years, would provide minimal training in all but one, possibly two, of the Inventory's items. The capacity definitely omitted is that of *Legal Advocacy: Argumentative*. But the omission is only formal; for it is planned to provide training in this capacity through the development of a system of moot courts, such as has been found successful for this purpose in a number of law schools. Substantial doubts concerning the efficacy of law-school training in the art of legal negotiation led to agreement that such a course is to be included in the Curriculum only if experimentation meantime demonstrates its feasibility.

FIRST YEAR

<i>Autumn</i>		<i>Winter</i>		<i>Spring</i>	
Legislative Process	2	Legislative Process	2	Statutory Interpretation	3
Personal Property	3	Real Property	2	Real Property	4
Civil Procedure	2	Civil Procedure	4	Civil Procedure	2
Contracts	4	Contracts	4		
Torts	4			Torts	4
		Agency-Partnership	3	Agency-Partnership	2
	—		—		—
	15		15		15

SECOND YEAR

Criminal Law	4			Comparative Domestic Relations	3
Injunctions	2	Specific Performance	3	Restitution	3
Constitutional Law	4	Constitutional Law	3	Administrative Law	2
Legal Research	2	*Legal Writing	2	*Legal Writing	2
Evidence	3	Evidence	3	Pleading	3
		Private Corporations	5	Negotiable Instruments Law	3
	—		—		—
	15		14-16		14-16

THIRD YEAR

Legal Profession	2	Income Taxation	3		
Ohio Court Practice	2	Court-Administrative Practice	2		
*Draftsmanship	3	*Draftsmanship	3	*Draftsmanship	3
*Legal Aid Clinic	2	*Legal Aid Clinic	2	*Legal Aid Clinic	2
[*Negotiation]		[*Negotiation]		[*Negotiation]	
*Seminar	3	*Seminar	3	*Seminar	3

ELECTIVES

(minimum of 21 hours)

Trusts	5	Future Interests- Wills	4	Conflict of Laws	4
Labor Law	4	Debtors Estates	5	Security	5
International Law	3			Local Government Law	4
				Trust - Estate Taxation	2
				Ohio Appellate Practice	2

*Taken for one quarter

Pertinent observations on a new curriculum in law can be almost legion; the following comments focus on major considerations involved in the present plan.

COURSE REVISIONS

New courses, in the sense of full-blown innovations, are few, for by and large the objectives sought are achieved by adaptation, in one way or another, of course offerings already familiar in the College Bulletin. If found feasible, the course in negotiation will necessarily be new. The course on the legal profession will, in coverage and emphasis, constitute an essential change from the series of lectures on legal ethics that has been offered in recent years. The first-year sequence in legislation will be new in the sense that it will constitute a marked enlargement upon the old three-hour elective in Legislation. In keeping with the intent to give to the legislative process the emphasis appropriate to its present-day importance, the two Quarters of Legislative Process will provide insight into, as well as knowledge of, the organization, methodology, and procedure of legislative and administrative rule-making bodies; while the third Quarter of the sequence, devoted to Statutory Interpretation, will take the student beyond the conventional court-evolved rules for statutory construction to the independent, analytical approach to statutes and administrative regulations which Ernst Freund pioneered. By contrast, appropriate emphasis upon the significant adjudicative rôles of non-judicial bodies is to be realized through introduction into the established courses in judicial mechanics of the administrative and arbitral counterparts to judicial procedure, evidence, pleading, and practice.

Similarly, no courses familiar in the old curriculum are eliminated *in toto*; rather, they continue under new titles and in new combinations, or are preserved for Summer Quarter offering. Civil Procedure constitutes a consolidation of the former courses in Judicial Administration and Equity I, combined with a merger of material on judicial jurisdiction, formerly included in Conflict of Laws. The aim is to provide the first-year student with a more integrat-

ed overview of the organizational characteristics and operational elements of modern adjudicative agencies, thus paralleling the similarly-purposed course in Legislative Process. A distinct innovation is attempted in the combination of Domestic Relations and Comparative Law for the purpose of providing effective, advanced materials for deeper appreciation of the functioning of law as a system of social control. Less innovational, but nevertheless of pedagogical significance, are the combination of Future Interests and Wills to afford more integrated consideration of succession to decedents' property by intestacy and will, and the consolidation into a course on Security of Mortgages, Suretyship, and the security aspects of Sales. Administrative Law, while stripped of a considerable part of its familiar material on rule-making and decisional procedure, is retained as an effective subject-matter vehicle for the cultivation of insight into the problems of policy choice which confront any advanced legal system.

INCREASE IN REQUIRED COURSES AND CREDITS.

The rather novel appearance of the Curriculum derives largely from the elevation to required status of a considerable number of courses heretofore elective. Given existing budget limitations, greater rigidity in the curriculum is essential to realization of the broadened objectives in legal education predicated by the Inventory of Major Legal Capacities. For instructional manpower is not available to afford training, through course electives, in all the many facets to education in law which have now been identified. Considerable elective freedom is afforded with respect to Seminar areas and skill training in problem solving (issue disposition); further freedom can be had by attendance in the Summer Quarter, when, it is anticipated, there will be available course subjects not included in the regular curriculum. Nonetheless relative rigidity is undeniably a mark, as it is a practical necessity, of the new plan. However, continuation of the trend toward reduction in electives, begun in the new curriculum of a decade ago, is not only responsive to the College's own experience with the elective system but also in harmony with the curricular patterns now evolving nationally in legal education.

To the extent that course election has been possible in the last ten years, it has not on the whole been intelligently used with respect to the regular academic year. Choice of electives all too often has been made to turn upon student fads and the ease or toughness of subject-matter or instructor, not upon the attainment of a balanced program of formal training. Meaningful opportunity for student election is, judged by local experi-

ence, largely a function of the summer program, which is to be retained under the new plan for this reason as well as an accommodation to students who wish to accelerate their study of law by employing the Summer Quarters. The trend in American legal education is definitely in the direction of planned curricula. Thus within the year Harvard Law School has announced a major revision of its curriculum in which more than two of the three years are required, while the newly announced curriculum of the University of Chicago Law School imposes an essentially required pattern of study throughout the entire three years.

The slight five-hour increase from 125 to 130 in credit-hour requirements for graduation in law results from substantially the same considerations underlying the policy with respect to required courses. While this College, adhering to its previous position on length of formal legal study, is convinced that adequate training in the major legal capacities can be achieved in three academic years, fuller use as well as more careful budgeting of time is necessary. The five-hour increase, introduced at the third-year level, still leaves the last year of study 5 hours short of the traditional 45 credit hours long fixed for each of the first two years and continued under the new plan. The new curricula of Harvard and Chicago allow no reduction in student load during the last year of formal study.

COURSE ALLOCATION OF INSIGHT, SKILL AND PRACTICE TRAINING.

The course revisions and requirement alterations discussed in the preceding paragraphs were not effected for their own sake but as means toward realization of the broadened objectives in legal education drawn from the Inventory. The core of the new plan is thus to be found in the allocation to specific subject-matter courses, as revised and patterned into a planned curriculum, of responsibility not only for imparting knowledge of the indicated material but also for training in the skill or insight which can best be developed or cultivated through employment of that particular subject-matter. Assignment to a given course of a designated skill or insight is in no wise intended to preclude the instructor from giving attention to others or deviating at times from the teaching technique required by the assignment; the purpose is rather to allocate responsibility for primary emphasis. Nor is the allocation that has been made intended in any way to call into play a pedagogical *stare decisis*. For while in each instance assignment has been made on the basis of group judgment predicated upon prior teaching experience, actual op-

eration under the new curriculum will undoubtedly indicate the desirability of some changes, both in the emphasis assigned to currently selected subject-matters, and in the subject-matters employed. The College Committee and Faculty had perforce to proceed *a priori*, for no other approach was available. The movement to develop objective criteria for evaluation of educational experimentation, recently pioneered by the Committee on Teaching and Examination Methods of the Association of American Law Schools,⁶ necessitates a long-range program requiring years for fulfillment. The allocations made for the present can be indicated most conveniently by reproducing the curricular plan with each course keyed to the Inventory.

FIRST YEAR

<i>Autumn</i>		<i>Winter</i>		<i>Spring</i>	
Legislative Process	(A 2) 2 (B 3)	Legislative Process	(A 2) 2 (C 1 c)	Statutory Interpretation	3 (C 1 c)
Personal Property	(A 1) 3 (B 3)	Real Property	(A 1) 2 (C 1 a) (C 1 b)	Real Property	(A 1) 4 (C 1 b) (C 1 d)
Civil Procedure	(A 2) 2 (B 2) (C 2 a)	Civil Procedure	(A 2) 4 (C 2 a)	Civil Procedure	(A 2) 2 (B 2) (C 2 a)
Contracts	(A 1) 4 (C 1 a) (C 1 b)	Contracts	(A 1) 4 (C 1 a) C 1 b)		
Torts	(A 1) 4 (B 2) (C 1 a)	Agency-Partnership	(A 1) 3 (C 1 a) (C 1 b)	Torts	(A 1) 4 (C 1 a) (C 1 b)
				Agency-Partnership	(A 1) 2 (C 1 a) (C 1 b)

SECOND YEAR

Criminal Law	(A 1) 4 (B 1)			Comparative Domestic Relations	(A 1) 3 (B 1)
Injunctions	(A 2) 2 (C 2 a)	Specific Performance	(A 2) 3 (C 2 a)	Restitution	(A 1) 3 (C 1 d) (C 1 e)
Constitutional Law	(A 1) 4 (B 2) (C 1 d)	Constitutional Law	(A 1) 3 (C 1 d) (C 1 e)	Administrative Law	(A 2) 2 (B 4)
Legal Research	2 (C 2 d)	*Legal Writing	2 (C 2 e)	*Legal Writing	2 (C 2 e)
Evidence	(A 2) 3 (C 2 a)	Evidence Private Corporations	(A 2) 3 (C 2 a) (A 1) 5 (C 1 d)	Pleading Negotiable Instruments Law	(A 2) 3 (C 2 a) (A 1) 3 (C 1 d) (C 1 e)

⁶ See the Reports of this Committee for 1943-1945 in HANDBOOK, ASSOCIATION OF AMERICAN LAW SCHOOLS 187 (1943); HANDBOOK, *id.* 203 (1944); HANDBOOK, *id.* 147 (1945).

THIRD YEAR

Legal		Income			
Profession	2 (B 2)	Taxation	3 (C 1 f)		
Ohio Court		Court-			
Practice	2 (D 3)	Administrative			
		Practice	2 (D 3)		
*Draftsman-		*Draftsman-		*Draftsman-	
ship	3 (C 2 c)	ship	3 (C 2 c)	ship	3 (C 2 c)
*Legal Aid		*Legal Aid		*Legal Aid	
Clinic	2 (D 1)	Clinic	2 (D 1)	Clinic	2 (D 1)
[*Negotiation	2 (D 2)]	[*Negotiation	2 (D 2)]	[*Negotiation	2 (D 2)]
*Seminar	3 (D 4)	*Seminar	3 (D 4)	*Seminar	3 (D 4)

ELECTIVES

(minimum of 21 hours)

	(A 1)	Future			
Trusts	5 (C 1 f)	Interests-	(A 1)	Conflict of	4 (A 1)
		Wills	4 (C 1 f)	Laws	(C 1 f)
	(A 1)	Debtors	(A 1)		(A 1)
Labor Law	4 (C 1 f)	Estates	5 (C 1 f)	Security	5 (C 1 f)
International				Local	
Law	3			Government	(A 1)
				Law	4 (C 1 f)
				Trust -	
				Estate	(A 1)
				Taxation	3 (C 1 f)
				Ohio	
				Appellate	
				Practice	2 (D 3)

*Taken for one Quarter

It will be observed that to all courses save one there is assigned responsibility for primary emphasis in skill, insight, or practice training. While International Law is excepted because its inclusion in the curriculum was prompted by the peculiar present-day significance of the subject-matter, instruction in it will undoubtedly add to the student's insight into legal function and to his skill training in legal synthesis and issue diagnosis. Immediately apparent also is the variation in intensity of planned training in the various identified skills and insights. Thus, for instance, to only the one course in Administrative Law is there assigned primary responsibility for conscious and sustained emphasis upon insight into legal policy, whereas four major first-year courses share responsibility for skill training in fact discrimination and case analysis. This variation in intensity of directed training is necessarily a matter of judgment; a less orthodox curricular pattern would expand emphasis upon insight training, with consequent reduction in attention to the above dialectical skills. It is possible that "over-teaching" now occurs in this area that has so long been favored under case methods of instruction; only the development of objective methods of educational measurement can make possible a more scientifically balanced curriculum.

A further, and no less integral, feature of the new plan lies

in the schematic arrangement of courses on the sound pedagogical principle of a training program progressing from the most elementary and basic to the most advanced aspects of training. Ideal progression has not been possible owing to student scheduling, faculty load, and other considerations, but the imperfections are not believed to be serious. Generalizing, it may be said that the first year stresses cultivation of insight into legal method and legal institutions, together with training in the basic skills of fact discrimination, case and statute analysis, and adjective legal advocacy. During the second year, training in adjective legal advocacy continues on a more advanced level, and instruction is had in the other technical skills save draftmanship; insight into legal function and legal policy is provided at the same time, along with training in the dialectical skills of legal synthesis and issue diagnosis. Left to the last year is, then, the completion of training in the most advanced skills of issue disposition and legal draftmanship, and guided experience in the integration of the component elements of legal education into practice in legal counselling, legal planning and litigious (also, conditionally, non-litigious) procedures.

TEACHING TECHNIQUES.

It is as erroneous as it is common to speak of "the" case system, for the general theory of instruction in law through the study of appellate decisions has in truth been productive of a rich variety of pedagogical techniques. The theory has provided a facile teaching medium, capable of wide adaptability in practice. Thus it has shown itself of unsurpassed merit for training in the skills of fact discrimination, case analysis, and legal synthesis. At the same time, however, as the objectives of legal education have broadened, the case system has shown itself incapable of effective adaptation to training in the newer pedagogical areas. Hence, while itself a composite of varying techniques, the case system requires supplementation by other teaching devices. Prominent among these are the problem and practice methods. By simple logic, for training in the resolution of legal issues, the skill which stands at the apex of dialectical skill training, there is no substitute for first-hand experience in solving legal problems for which the student is provided no "pony" in the form of a judge's opinion and decision. The problems may be hypothetical, although "live" problems, drawn from current events or contemporaneous litigation, appear to provide greater student motivation. But whatever the source or sources from which they are developed, the heart of successful pedagogy lies in the devotion of classroom time to the resolution of problems, assigned in advance along with relevant case, statutory, and text materials.

Learning by doing, involved in the problem method, bottoms the practice method as a related technique. The technical skills of legal advocacy, draftsmanship, research and writing can ultimately be mastered only through practice by the student, working individually or in small groups under competent guidance. And training in the integration of information, skill, and insight in the various facets of legal practice identified in the Inventory, requires the practice method almost by definition. For the pedagogical ideal is the achievement of realistic simulation of the practice of law as it obtains today. The Legal Aid Clinic has long provided the teaching tool for experience in the actualities of at least elemental counselling. The Seminars developed under the new curriculum of ten years ago have demonstrated their capacity to train in the practice of preventive law through actual experience in the design of legal techniques for the realization of private and public policy objectives. The technique successfully employed in Ohio Trial Practice⁷ now requires an equally effective counterpart for providing actual experience with administrative and arbitrational hearings. And the issue of the feasibility of formal instruction in the art of legal negotiation turns upon the possibilities of realistic simulation of the negotiatory process, for it is agreed that case or text techniques would not merit allowance of any credit hours in an already crowded curriculum.

Finally, instruction through judicial opinions must be greatly modified, in some instances probably abandoned, if cultivation of some of the insights and development of some of the skills is to be successful. Painstaking analysis and discrimination, characteristic of case methods of instruction, is needed to make skill training in statutory interpretation thorough; but the freeing of training in this area from the restrictive yoke of the "case approach" requires that statutory materials be largely substituted for cases as the pedagogical grist. Less drastic but nevertheless significant modification of case teaching is necessary for maximum results in the important objective of insight training. Effective instruction in legal method has already revealed the necessity of casebook supplementation by study of selected textual commentary; successful cultivation of student insight into the function of law in society, through the study of social control of crime and family relations, will require the enrichment of reported cases by consideration of American and comparative data on social structures, economic class stratification, individual personality and behavior, and the operational characteristics of alternative systems of social control.

⁷This technique is described by Hunter, *Motion Pictures and Practice Court*, 1 J. LEGAL ED. 426 (1949).