

## Legal Education in the Twenty- First Century

### DEAN'S FOREWORD

The challenge of dealing with change is a consistent theme in the history of the University of Oregon School of Law. The world has changed significantly since that fall day in 1884 when Judge Matthew Deady delivered the opening address on the first day of operation of Oregon's public law school. This report from the 21st Century Task Force is the latest in a century-long series of efforts to keep the law school and its graduates relevant to the needs of the people of Oregon and the world beyond.

This report builds upon "the Oregon Tradition" described in the law school dedicatory booklet as "a way of teaching and acting about law and about lawyering" rooted in "more than a century of service in public and private affairs." It rests upon a currently strong institution of traditional legal education, as well as innovative, special programs exemplified by such diverse activities as the Law and Entrepreneurship Center, the Wayne Morse Center for Law and Politics, the Environmental Law and Natural Resources Program, the Appropriate Dispute Resolution Center, the Battered Spouse Support Grant, and the USIA Ukrainian Initiative.

In creating the task force, my challenge to the members was to think boldly. I asked them not to be constrained in their thoughts about what needed to be done by the immediate limitation of finance. In other words, do not dismiss important ideas and challenges because we do not now have the funds to make them happen. And, mostly, the task force followed these direc-

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\* The members of the 21st Century Task Force were Cynthia Fraser, Carla Gary, Judge Alfred T. Goodwin, Lisa Kloppenberg, Edward (Ted) McAniff, Jim Mooney, Carol Pratt, Rohn Roberts, Nicholas Rockefeller, Judge Ellen Rosenblum, Eugene Scoles, and Paul Wagner. The reporter for the task force was Eugene Scoles.

tives. It proved, in the final analysis, to be impossible to absolutely separate dream from reality so that from time to time challenges of finance emerge. However, this is not primarily a funding document but rather an analysis of what we ought to do to ensure a first-class legal education for Oregon's students and first-rate legal services for the people of Oregon.

It is an immense personal and professional honor for me to write the Foreword to this report, which I sincerely believe to be a breakthrough analysis that will guide the University of Oregon School of Law through the challenge of dealing with change. I also believe this document is a model for what other public and private institutions can do to address the reality of the changing world of the twenty-first century.

In conclusion, I want to thank the hundreds of individuals who participated in this process through forums, questionnaires, alumni meetings, board of visitors' sessions, and general discussions. The law school is especially grateful to the task force members who devoted almost a year and a half to the intense information gathering and analysis upon which their recommendations are based. The primary task of helping to transform these ideas into this report fell to former dean and Distinguished Professor Emeritus Eugene Scoles, who served not only as co-chair but also as scribe and historian. His fellow task force members wish to dedicate this work to Gene and Helen Scoles, the team whose work and vision made possible the modern University of Oregon School of Law.

RENNARD STRICKLAND  
DEAN AND PHILIP H. KNIGHT PROFESSOR OF LAW

## I

## INTRODUCTION AND BACKGROUND

In 1999, University of Oregon School of Law Dean Rennard Strickland appointed the 21st Century Task Force to explore and recommend the future course of program development at the law school. Recognizing that law students will be using their education over the next half century, the task force was charged with evaluating the current nature of the legal profession and projecting evolving trends of significance to legal education.

Carrying forward Oregon's tradition of periodic reviews and planning projections, the task force undertook to respond to the questions:

How, within the law school and the profession, do we balance continuity and change?

How do we preserve the public aspects of our profession in light of changing public demands?

How do we prepare our students to function with stability in a world of constant change?"

*A. Membership*

The twelve task force members reflect a diversity of experience and background in the law; half of the members are graduates of the University of Oregon School of Law and half are from other schools. The dean, associate dean, and university president are *ex officio* members. All members have a deep interest and attachment to the University of Oregon School of Law.

*B. Task Force Process*

The task force accumulated information through questionnaires and personal discussions with a broad spectrum of constituents. Twelve forums were held with invited groups and lawyers at locations in four states. In addition, the group consulted faculty and had the benefit of the joint American Bar Association and the Association of American Law Schools accreditation self-study and report, as well as a rich collection of national studies.

## II

MISSION OF THE UNIVERSITY OF OREGON SCHOOL  
OF LAW

In fulfilling its mission of providing a legal education of exceptional quality, the University of Oregon School of Law is committed to excellence in scholarship, teaching, and public service. As the only public law school in Oregon, its mission of preparing students to provide high-quality service and leadership in the public interest is primarily directed to the future needs of Oregon's citizens.

## III

## THE LEGAL PROFESSION, TRENDS AND CHANGES

The activities of the profession in Oregon are as diverse as in other states. Membership in the Oregon Bar has grown from 1,842 in 1935 to its present number of approximately 12,000 members. It has changed from a largely white male membership to one that is gender balanced, but still has less than five percent minority membership. In Oregon, as elsewhere, wealthy citizens and large corporations are well served, but only about twenty percent of the needs are met for legal service in civil matters of lower economic groups. Pursuant to constitutional and statutory directives, criminal defendants generally are provided counsel, although there remain occasional questions of quality of representation.

Economic and time pressures are generating an increasingly competitive and stressful setting for lawyers. This is intensified by technological developments, which lead to demands for immediate response—responses that are sometimes made with less than thorough consideration and research. Legal practice reflects the increasing interstate and international activities of trade and business and the mobility of our population. Oregon's exports alone are valued at eleven billion dollars annually.

A. *Key Issues*

The goal of the University of Oregon School of Law is to offer a legal education of true professional quality to its students in an environment conducive to faculty growth and development during the next quarter century. To do this, the law school should

strengthen its program in at least seven areas that seem particularly significant to legal education.

The first three of these topics arise out of evolving economic, social and practice trends that drive changes in law, and law practice and legal education to which law schools must respond. The others are intertwined with demographic, economic, and professional concerns shared by the legal profession and legal education with the public at large. They have significance central to the law school's efforts to make high-quality legal education genuinely accessible and affordable to qualified applicants.

Additionally, a central theme emerging throughout the task force study is the importance of involving active members of the profession, judges, and practicing lawyers in all activities of the University of Oregon School of Law.

These seven areas are discussed in detail:

- Internationalization of Business, Society, and Law Practice
- Technology
- Appropriate Dispute Resolution and Early Problem Solving
- Skills and Education for Change
- Professionalism and Interchange with the Profession
- Cost of Legal Education and Student Debt Load
- Demographics, Diversity in the Legal Profession, Student Recruitment, and Retention

#### *B. Internationalization of Business, Society, and Law Practice*

The internationalization of society, the economy, and the practice of law is a trend that calls for expanded attention by the University of Oregon School of Law. Interstate and international commercial and personal interchange are an important part of everyday life in Oregon and the Northwest. These interactions ignore the political boundaries within which law is organized and routinely bring foreign interests, law, and cultural assumptions to the lawyer and client.

Multi-jurisdictional matters require lawyers to have an increased appreciation of factors relevant to the different parties, along with increased knowledge of foreign legal systems, business, and social customs. International matters are no longer the exclusive province of specialized firms.

An understanding of how foreign law and legal systems interact with our familiar American concepts is essential for a compe-

tent twenty-first century lawyer. Broad economic and policy issues and humanitarian concerns are raised by the vastly increased movement and awareness of people. Social, economic, and humanitarian concerns require legal service as matters come before governmental and non-governmental organizations; the lawyers involved are expected to give knowledgeable advice.

At least three aspects of globalization are significant to legal education. First is the understanding of the different social and economic perspectives that parties to an international transaction bring to the table. Effective education requires some “hands-on” experience with international transactions in working courses or seminars that include step-by-step documentation.

The second is the need to recognize the differences among nations of the legal and administrative approaches to business or personal matters. This requires some study of comparative law and an understanding of how foreign legal systems work.

The third involves the broad area of humanitarian concerns, an area in which the demand for lawyers with competence and international interest will continue to expand.

The University of Oregon School of Law has a “bare-bones” program in comparative and international law. This area, and the well-regarded Ocean and Coastal Law Program, has suffered from irregular offerings, reduced funding, and faculty retirement at a time when this university and others are responding to the need for increased commitment to international matters. Our partnership with the University of Lviv, Ukraine, has bolstered our sagging international program, but we lag far behind our comparator schools.

#### *Internationalization—Suggestions*

The task force makes four suggestions for international program development:

- Support the integration of a global aspect in virtually every course in the law school, emphasizing the importance of comparative law and private and public international law.
- Expand course offerings with direct relevance to international matters and develop clinical/practical training in legal aspects of international matters.
- Develop a flagship lecture series by prominent persons devoted to topics of global interdependence and do the same

with one or more internationally-related conferences—the Environmental Law Conference is a good example.

- Build on the potential for international exchange of students and faculty.

### *C. Technology*

Developments in technology greatly affect the nature of the work of lawyers. The speed of communication and the availability of vast amounts of information to the lawyers and clients may be a boon or burden and lead to increased stress in the activities of lawyers and clients. Research, drafting, and negotiation techniques are much dependent on technology as are methods of presentation and persuasion. Some serious side effects include the stress of meeting expectations for immediate responses while avoiding inadequate preparation, as well as an increased pace of activity that leaves less time for reflection or personal matters.

Technology requires that lawyers be prepared to move into employment with a wide range of expertise or involvement with technology. We are at an advantage in that the new law school building provides facilities for the faculty to pursue innovative use of technology in teaching and course materials.

#### *Technology—Suggestions*

Although technological developments are continuous and pervasive, five major considerations appear important in addressing these developments:

- Continue a strong program to provide students with the computer-oriented skills of research, writing, and presentation compatible with current technological developments.
- Review curriculum to provide inclusion of frontier areas of the law arising from technological developments.
- Encourage faculty to acquire and the school to provide training opportunities for innovative use of technology in pedagogy and course materials.
- The law school's facility for distance learning offers an opportunity to expand cooperative learning projects with other schools as well as with alumni and the organized bar.

*D. Appropriate Dispute Resolution (ADR) and Early Problem Solving*

A dramatic change in the legal profession has been the shift from expensive, bitter, and prolonged litigation to a less adversarial process of mediation or settlement. In both private and public controversies, judges, lawyers, and clients are exploring resolutions other than litigation and more and more lawyers are seeing themselves as facilitators or problem solvers rather than as litigators.

While law students continue to need to know and understand the legal system, including evidence and procedure, the evolving range of options for resolving disputes from collaborative negotiation to mediation to arbitration or litigation should be emphasized. This is particularly true concerning continuing relationships as in business, family, or institutional matters.

Mediation is a process of promoting resolution of differences through exploration of mutual gain, looking more to future conduct and possibilities than proving or assigning blame for past actions. Collaboration tempers competitive antagonism as the mediator assists the parties voluntarily to explore ways to agree rather than to defeat each other. A comprehensive integration of mediation concepts in the law school program should be pursued.

By shifting emphasis from litigation toward early problem solving, the law school can assist in overcoming the competitive attitudes of winning at any cost and some of the dissatisfaction felt by law students, lawyers and clients, as well as countering negative perceptions of lawyers.

*Appropriate Dispute Resolution—Suggestions*

The University of Oregon School of Law has initiated a strong Appropriate Dispute Resolution (ADR) program. A comprehensive approach to emphasize the prompt resolution of matters by agreement of the parties with a minimum of adversarial posturing can change the way lawyers and the public perceive the representation of clients.

Six elements appear important in the law school approach to ADR:

- Address development of communication skills throughout



the law school program, beginning with introductory mediation training as an element of the first-year curriculum.

- Develop materials to include mediation elements in substantive courses, particularly those relating to remedial or transactional matters, as a part of identifying and furthering the interests of parties.
- Encourage and support faculty training and research on peaceful dispute resolution, service, and pedagogy.
- Offer ADR courses and clinics for student and lawyer certification as mediators in basic and advanced programs and specialized areas, e.g., business, family, judicial, and community.
- Engage in maximum interchange with the legal profession by utilizing qualified members of the profession in law school, CLE, and cooperative programs with the organized bar.
- Offer non-lawyers mediation training and arrange student externships and *pro bono* service in cooperation with community groups through courses and clinics.

#### *E. Skills and Education for Change*

Legal education is a process that extends over a lifetime and involves learning a body of law and acquiring an understanding of the legal system against which to analyze the legal significance of fact patterns and problems as presented by those seeking advice. This is sometimes described as learning to “think like a lawyer” and generally refers to a collection of *intellectual skills* including analysis, synthesis, relevance, risk evaluation, and judgment.

Closely related are the *communication skills* such as oral and written communication, presentation, and persuasion. In addition, *application skills* are needed in the application of law and procedure to a myriad of factual situations or transactions that arise in practice.

All of this requires an ability to self-educate to continue learning to meet the changes that the future is sure to bring. We often do not discriminate among these skills. Traditionally, law schools have done well in developing the more intellectual skills by keeping students engaged and participating in this basic learning process. However, schools have not done as well in the closely-related communication skills. Additionally, law schools have

largely left the application skills to postgraduate professional mentoring or education.

Recently, many practicing lawyers and law firms have reduced training and mentoring of newly-admitted lawyers because of the economic need for new lawyers to “earn their keep” by meeting high requirements of billing time. Seasoned attorneys complain that law schools, including the University of Oregon School of Law, do not train graduates how to practice law. Recent graduates, both sole practitioners and firm associates, complain that they are not prepared to meet the demands of practice, interviewing clients and witnesses, or preparing documents.

Hence, the questions are raised about whether training in these transitional or application skills is the educational responsibility of the law school or the mentoring responsibility of the profession, and how it should be done. Law schools have moved in the direction of practice with clinics and extern programs.

The University of Oregon School of Law has recently offered clinics in six areas of the law and incorporated practical exercises in some substantive courses. However, law schools generally have responded to the press of substantive law expansion more often than to the need for practice-oriented skills. The area of skill training appears to be a problem shared with the profession, calling for a shared response.

A somewhat related problem is that of continuing legal education in evolving areas of the law and practice.

#### *Skills—Suggestions*

- The law school should continue its tradition of rigorous intellectual skill development incident to teaching the core program of doctrinal courses. It has a strong program in legal writing focused on communication skills and is committed to continued improvement in that area. Increased writing experience involving short, thoroughly-criticized assignments throughout the law school course should supplement the present third-year writing requirement.
- Within the law school program, imaginative pedagogical approaches in substantive courses, e.g., increased use of transactional or problem methods or practicum would assist the development of legal application skills. The policy of maintaining sufficient clinical offerings to assure each student access is encouraged. A requirement that each student take at

least one clinic or transactional course offering would assure a minimum exposure to legal application skills.

- The law school should undertake a major effort to provide a comprehensive and continuous mentoring program with the cooperation of bench, bar, and business in different parts of the state and different areas of practice. Started while in law school, graduates would then be paired with lawyers in the place and subject of their intended practice. After admission to the bar, they would have a mentor to assist in developing application skills. Mentors should be recruited, brought to the school, and honored for their involvement.
- Increase utilization of members of the profession in team teaching of courses in the curriculum and of practice oriented post-graduate courses.
- Develop more extensive continuing legal education in cooperation with the organized bar using both practice experts and faculty experts in particular areas.

#### *F. Professionalism and Interchange with the Profession*

Professional conduct issues relating to civility, candor, self-interest, and excessive commercial competitiveness appear most frequently in communities where there is less personal interchange among lawyers and where greater anonymity exists. As a consequence of size, Oregon may have less solicitude about these matters than other states, but still a large number of our constituents expressed concern about ethics and issues of professionalism and urged the law school to take steps to alleviate them.

In the task force interviews, there were frequent expressions of disquiet about increased commercialism and its “bottom line” attitude such as the drive to increase billable time charges, which conflicts with husbandry of the clients’ resources and reduces collegial mentoring.

While nearly all our constituents confirmed the view that the greatest professional satisfaction comes from being a *good* lawyer providing *quality* service at *reasonable* cost to the client, there was a pervasive sense that the pressures of practice were so great that personal satisfaction is being reduced and a reasonable family lifestyle is impaired.

These concerns over professional conduct are matters for joint response by the legal profession and legal education. A recur-

ring theme of the task force interviews and discussions was the high professional value placed on law school outreach and the involvement of alumni and other experienced lawyers in legal education. The law school needs to build on this outreach and involvement whenever it can to improve professional conduct among lawyers.

*Professionalism—Suggestions*

- The traditional two- or three-hour ethics course is necessary but is not enough.
- There is great need for the persistent inclusion in other courses of considerations emphasizing integrity, public service, loyalty to clients, and objective, independent judgment by lawyers, unclouded by conflicts or self-interest. This ethical content can conveniently be integrated as an element in nearly all substantive and procedural courses.
- Faculty members need to recognize that they are role models regarding professionalism and need to express pervasive human values and public interest in the presentation of the subject matter being taught. Faculty sensitivity to, and ability to project, concurrent instruction in professionalism is a significant element in effective pedagogy.
- Assure reinforcement, throughout all the years of legal education, of the concept that the practice of law as a learned profession providing an important public service by trustworthy persons of integrity and independence.
- Involve the organized bar and experienced, well-regarded judges, and lawyers in on-going activities in the law school that genuinely demonstrate professional attitudes.

Relevant to the fifth suggestion above, the majority of the task force respondents expressed a willingness, even an eagerness, to participate in law school programs aimed at improving professionalism.

*G. Cost of Legal Education and Student Debt Load*

Most entering law students do not have a well-informed view of what they want to do upon graduation but, rather, have a general and often idealized concept of law practice. Two factors tend to influence career objectives. As students develop interests in particular fields of law, they adjust their objectives in that direction. The other factor is their student loan debt increases.

Debt, often \$60,000 to \$100,000, drives students to seek the highest-paying employment, and other interests become secondary. Most high-paying jobs are with large, urban firms serving corporate clients. Only a small number obtain the high salaries reported by the news media; most of those become dismayed by the time demands and billable hour requirements of their jobs.

Meanwhile, public interest employment and the county seats and small towns of the state are overlooked along with other practice settings which many lawyers find rewarding.

Lawyers largely administer the governmental and justice system that are at the heart of our political system. This area of service is often foreclosed by reason of the need to seek higher-paying employment in the private sector.

The high cost of legal education also deters access to law school, particularly the economically disadvantaged and those with existing pre-law college debt. The high cost of legal education in a public law school, such as Oregon, frustrates the upward mobility in law for students from lower economic levels of society. As the gap widens between the affluent and the lower income portions of our population, the social relief valve of upward mobility afforded by public education becomes critically important in maintaining a stable democratic society. The grand tradition of low-cost public education as a means of upward mobility, so much a part of the American dream—particularly in the western United States, is being lost.

Legal education costs have risen substantially in the last quarter century as equipment and personnel costs have increased. Equipment and supplies are obtained in the open market, and salaries reflect the employment market for highly-qualified lawyers. Increasing cost has been the pattern at the University of Oregon School of Law, although its faculty salaries are at the low end of the scale of comparable law schools.

As costs have gone up, state support has declined from thirty-three percent in 1989 to approximately twenty percent in the last ten years. This legislative effort to privatize the law school has made the school dependent on tuition and has seriously hindered faculty and program development. Student tuition and fees have risen from an annual rate of \$486 in 1970 to \$10,898 for residents and \$14,844 for non-residents in 2000.

*Cost—Suggestions*

- The problem of cost is largely beyond law school control and should be met by substantial increases in legislative budgetary support to respond to the state's obligation of public higher education. The law school should expand its efforts to persuade the legislature and the public of the importance of higher education to the state's social and economic well-being.
- If state budgetary support is not forthcoming, the alternative is tuition imposed on students since the law school does not have substantial private endowment to offset the decline in state support. The cost of legal education and the resulting student debt overwhelm other factors in contributing to the elimination of career choices after graduation and to the frustration of new lawyers, as well as depriving the state and public interest employers of highly-qualified and dedicated lawyers.
- The law school must greatly expand its efforts to raise funds from private sources to provide loan forgiveness and scholarship support to help alleviate this student financial crisis. The ability of the law school to raise significant funds from a broad constituency was proven during the Capital Campaign that resulted in the new building. While it is true that it is often easier to raise funds for "bricks and mortar" than it is for scholarship and faculty salary support, the raising of additional funds for these worthwhile pursuits is not an impossible task.
- Loan forgiveness programs, while highly desirable, as yet are inadequate to relieve this problem by themselves. Due to the large resources the programs require, charitable foundations should be pursued as well.
- Among its comparator schools, the law school is near the bottom in financial aid, while its resident tuition is among the highest in the group. Absent state support, privately supported scholarship funds appear to be the most realistic way of even modestly reducing the law school cost element of student debt load. This area of student financial aid should be a central focus of development efforts by the law school.
- The school needs to explore ways to accommodate the student who seeks employment to avoid accumulation of stu-

dent debt without impairing the quality of the educational experience.

#### *H. Demographics, Diversity in the Legal Profession, Student Recruitment, and Retention*

Like that of most other states, demographic projections indicate that Oregon's population is in the process of changing from a white to a non-white majority, so using the term "minority" about law students and lawyers will soon be inaccurate. Yet, there is a shocking lack of racial, ethnic, and language diversity in the legal profession in Oregon and elsewhere.

This unfortunate situation supports the public's image of lawyers as protectors of the privileged—a group with historical bias against non-whites. This, in turn, leads to distrust and suspicion that justice for all may not be available in the current system. The basic function of the legal profession is to protect equally the rights of all members of the public. To serve the public effectively and to survive as a learned profession, Oregon's lawyers should reflect the demographics of society. Oregon's law schools must do their part by addressing the current lack of diversity within our profession with understanding, persistent effort, and significant resources.

Both the legal professional organizations and the law schools in the state have made serious efforts to increase diversity in the legal profession in Oregon, but the effort has not gone far enough. It is particularly important that the University of Oregon School of Law, the only public law school in the state, play a major role in seeking out those who are likely to remain in Oregon after graduating from law school to practice law in our communities.

A diverse student body helps to educate all law students to work with and to understand persons of differing backgrounds. The recent movement toward gender balance in law schools has eased and demonstrated the process by which genuine diversity can be accomplished. To improve diversity and understanding of cultures in the profession and in Oregon is an obvious responsibility of the University of Oregon School of Law.

#### *Demographics—Suggestions*

The University of Oregon School of Law must help increase racial and ethnic diversity in the legal profession by acting to:

increase the number of diverse students who attend and graduate from law school; increase the number of diverse students who pass the bar exam; improve placement efforts for diverse lawyers; and increase the retention and advancement of diverse lawyers in the profession.

The task force agreed that joint efforts by the profession and the law school would have the best chance of meeting the challenge of diversifying the profession in Oregon. To that end, it recommends the following:

- Extend joint efforts with the Oregon State Bar to improve the image of lawyers and to acquaint young people of all racial and ethnic groups and different socio-economic backgrounds with the role of lawyers and the opportunities that exist in law and legal education.
- Inform prospective students of needed academic skills and join with other schools and programs to encourage pre-law education in those areas.
- Take steps to identify and encourage potential law students as early as possible and establish continuing contact with students at all levels.
- Explore alternative application screening models that predict academic success without an over-reliance on LSAT scores.
- Provide financial support as needed for diverse students and urge active participation in orientation and other programs focused on skills to succeed in law school, including tutoring and mentoring upon request. Particularly include members of the profession in these efforts.
- Arrange counseling and assistance in preparation for the bar examination and assistance in securing employment on graduation. Work with law firms around the state to establish programs to enhance the recruitment and retention of diverse lawyers.
- Expand mentoring by members of the profession for graduates.
- Maintain diversity of law school faculty and staff as visible role models. The task force members realize the burden of much of these efforts would fall on the already stressed staff but believe it is most important to make further progress on the problems of diversity in the profession.



## IV

## CONCLUDING COMMENTS

The changes forecast for the legal profession in the twenty-first century loom very large indeed. However, the legal profession has always responded to change. In its function as intermediary in the activities among citizens and with their government, the legal profession encourages deliberation by being both a resistance to change and a vehicle for the peaceful accommodation of change. Because society will always need these intermediaries, the continuation of the function served by the legal profession seems assured. The law school functions to educate beginning lawyers in the structure and values of law and to equip them to learn, to accept and to manage social, economic, and technological change.

Throughout this report, the task force has attempted to relate evolving developments of significant concern to the University of Oregon School of Law. A dominant theme is the need and value of interaction with the profession, the bench, and bar. Cooperative effort is particularly important in confronting problems of diversity and professionalism, as well as bridging the gap between law school and the practical application of learning, while preserving the benefits of rigorous education in doctrine and intellectual skills.

Some concerns and suggestions reflect ongoing changes that are thrust on the profession and legal education by society. Others have an internal source from within the profession and legal education. Several areas of legal education at Oregon need strengthening, both to avoid program attrition and to accommodate evolving law and opportunities for improvement. The ever-present problem of matching need to resources must be considered but the task force has felt compelled to suggest matters that are so serious that additional resources must be found to avoid disservice to students and the states.

Throughout the task force discussions with University of Oregon School of Law constituents, there was repeated emphasis on the need to maintain and expand the law school's present highly-qualified faculty. Because of long-term financial exigency, this law school faculty is seriously understaffed. Further faculty development is a dominant need and requires a continuing effort of recruiting and retaining the present outstanding faculty. In this

process, the law school is competing with aggressive solicitations of other law schools and the profession. The better the teacher, the more aggressive the competition.

The current faculty is composed of very strong scholars and teachers, highly regarded by its students, by other schools and the profession. Low salaries make the faculty the frequent target of raiding—virtually a training ground for more affluent schools. Lack of public funding has forced this school, like some other public law schools, to supplement salaries by private support through endowed chairs. Oregon is woefully behind its comparators and has only seven endowed chairs.

Clearly, both increased private resources and increased legislative support are needed if the law school is to meet its obligations to the public, its opportunities, and the necessity for further faculty development.

It is easy to assume pedagogy is a matter to be left to each faculty person. Fortunately, the law school faculty, as a group, has been much concerned with teaching effectiveness. The explorations of the task force suggest that through further utilization of problem, transactional, or practicum approaches students can better experience the setting in which legal issues arise. This appears particularly significant in planning transactions and prevention of future conflicts.

Our respondents emphasized the need to maintain rigor in the program and in the classroom. Alumni recognized that preparation and participation were important elements in the learning process and affirmed that students did in fact learn much from each other. Consequently, our constituents repeatedly encouraged the maintenance of high standards and refused to condone the non-participant student.

A frequently expressed concern is that law teachers have limited practice experience or that their experience was so long ago that it has reduced relevance. This reflects the generally modest academic salaries which leads to the practice of recruiting teachers at a relative early age within a few years after graduation from law school. A goal of the law school should be to increase the number of faculty with substantial practical experience.

The task force recognizes that curricular and faculty development are the heart of the faculty's function in composing and presenting a high-quality program of legal education. In view of this, task force suggestions are quite general. The task force rec-

ommends that the faculty consider the circumstances discussed in this report and establish a long-term plan, setting year-by-year priorities, for curricular development and additional faculty appointments.

The overall view of the task force is that the faculty makes the University of Oregon School of Law a public law school of remarkable energy, imagination, and quality but one in great need of increased support from its legislature and its constituents if it is to meet the challenge and opportunities of the twenty-first century.

