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A SERIES OF ESSAYS: THE IDEOLOGICAL IMPACT OF LEGAL EDUCATION UPON THE PROFESSION

INTRODUCTION

PAUL G. HASKELL*

The Annual Dan K. Moore Program on Ethics is a continuing legal education program sponsored by the University of North Carolina School of Law. Its purpose is to examine the moral quality and social performance of the legal profession. The 1993 program was titled "The Ideological Impact of Legal Education upon the Profession." Certainly the educational preparation of lawyers imparts values that lawyers carry with them into practice. There is a good deal of talk today about the decline of professionalism, which means different things to different people. Some speak of the breakdown of civility and the use of "hardball" tactics. Others refer to the erosion of the lawyer's role as a moral constraint on the behavior of the client and its replacement by the "hired gun" model. Many deplore the commercialization of the profession as reflected in advertising, solicitation, marketing, and billing practices. Does legal education contribute to this condition? The following three essays are adaptations of oral presentations the authors made at the 1993 Program.

Professor Coquillette's essay refers to a decline in the morality of practice and suggests that it may be attributable to the prevalence of the view in legal education that law is no more than a manipulable instrumentality at the service of the client's goals. Legal education thus encourages a morally indifferent view of law and practice. We seem to be losing our connection with the duty-based morality of our classical and religious traditions.

Professor Conley, educated as an anthropologist as well as a lawyer, describes the disintegration of traditional academic values in the humanities and social sciences, and a similar but less advanced phenomenon in the law schools. Standards of scholarship and evaluation are viewed by many as nothing more than matters of power and politics. The existence of objective knowledge is questioned, if not denied. Relativism dominates in many areas of humane and social inquiry, including morality. Legal education has not been exempt from such influences. Conley's observations, from a different perspective, parallel Coquillette's concerns.

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Professor Bartlett assesses the impact of legal education upon the profession from a feminist perspective. Bartlett describes several contemporary feminist perspectives. Probably the perspective with the most significance for this program is the "different voice" perspective. Our male-dominated society values individual rights and competition; women value responsibility for others and community. Male-dominated legal education emphasizes competition among and autonomy of students, rather than joint problem-solving and mutual respect. Legal education teaches zealous dedication to the client's interest, rather than the understanding of the adversary's condition in a manner that may minimize or avoid conflict. These aspects of legal education may contribute to the competitive excesses that are characteristic of contemporary law practice.

Professors Coquillette, Conley, and Bartlett, from their different perspectives, have contributed perceptively to an understanding of the condition of the profession.