

LEFT LEARNING: THEORY AND PRACTICE IN TEACHING FROM THE LEFT IN LAW SCHOOL

CHIWEN BAO, MEAGAN GARLAND & RACHEL REBOUCHÉ*

INTRODUCTION

In exploring the current state of legal education and its inherent challenges, we articulate the exigency for change in legal pedagogy and suggest possibilities for transforming intransigent institutional characteristics. Situating legal education in our current political and social context, we connect the leftist impulse to question the status quo with arguments for imbuing legal teaching with a more critical perspective. We recognize that reform at this level is likely to be slow. Psychological, epistemological, and institutional resistance to change stems from the resiliency of routine and naturalized hierarchies of knowledge and power. Despite the wealth of experience and the breadth and depth of research on education, the legal community perpetuates a style of legal education blind to the needs of the current political and social context. Classrooms, habits, and institutions of learning entrench patterns of knowledge that facilitate the maintenance of distorted information. To better respond to the complexity and fluidity of student experiences, institutional structures must see themselves as the agents of change in shaping the purpose of legal education.

In the Essays that follow, each author approaches reform of legal education from a different perspective and with different potential solutions in mind. Meagan Garland concentrates on the paucity of a vibrant, political dialogue in the legal classroom in the vein of Duncan Kennedy's *Politicizing the Classroom*. Chiwen Bao examines some of the theoretical underpinnings of power in thinking about how legal education maintains current power hierarchies. Finally, Rachel Rebouché describes studies on gender disparities in legal education to highlight one area where law schools have failed to respond to changes in the legal community. In spite of layered resistance to change, we must envision and enact possibilities of hope and justice. To begin this analysis, we examine how this moment frames a pressing need to engage in progressive thinking in legal education.

* Chiwen Bao, Ph.D. Candidate, Boston College Department of Sociology; Meagan Garland, J.D. Boston College Law School, 2006; Rachel Rebouché, J.D. Harvard Law School, 2006. The authors would like to thank Maria Grahn-Farley for providing the opportunity and the forum to express these ideas. Meagan Garland and Chiwen Bao also thank Anthony Farley for his continuous guidance and support.

I.

THE CURRENT PROBLEM: WHY A LEFT LEANING LEGAL EDUCATION IS
ESSENTIAL

MEAGAN GARLAND

Surviving law school in this generation requires more than the ability to withstand the Socratic Method and to write the “perfect” exam. Law students today must possess the ability to navigate through a sea of mixed messages, misrepresentations and blatant lies from the government that all seek to jam their ostensibly rational thought processes and misguide their critical judgments that served them well before beginning law school.

At one point in history, it was possible to draw clear lines between the victim and the perpetrator, from the oppressed to the oppressor. During slavery, for example, it was possible for black slaves to draw a clear line of connection between themselves and the oppressive laws and slaveholders who kept them enslaved under the law. The oppressed were on one side and the oppressors were on the other. There was virtually nothing that a slave owner or lawmaker could tell a slave to convince him that she was not really oppressed, that the daily reality of slavery in which she lived was really something else.

Today, it is virtually impossible to clearly connect horrible atrocities to legal violations and their perpetrators. Rational adults are unable to draw these connections because they are bombarded with bogus alternative explanations from legal experts and elected officials. Take for example the United States’s war against Iraq. This war was a blatant war of aggression, forbidden under international law; most rationally thinking people can conclude that America violated international law. However, we are bombarded with extraneous justifications: weapons of mass destruction, Saddam Hussein, Al Qaeda, the War on Terror. These sham alternative explanations serve no purpose other than to jam channels of rational thought and to con people into allowing elected officials to carry out their personal agendas, including, in the case of President Bush and Saddam Hussein, settling old scores.¹

Likewise, most rationally thinking people can draw a clear connection between the United States government secretly and without permission eavesdropping on the conversations of American citizens and a constitutional violation. However, rational thought requires that these people fight against a barrage of explanations given by lawyers as justifications of this barefaced constitutional violation. We are bombarded again with the War on Terror ex-

1. Sheryl McCarthy, *Americans Need to Learn the Lessons of Iraq War*, NEWSDAY (New York), Nov. 13, 2006, at A16.

cuse, as well as “national security,” and a plethora of, “it’s for your own good” statements.²

In helping law students unclog their rational thought process, restoring them to a position from which they can once again see clear connections between legal violations and the violators, legal educators should consider three approaches. First, avoid teaching law in a vacuum, but rather, as Professor Duncan Kennedy writes, “politicize the classroom.”³ Second, make a conscious effort to connect yesterday’s classroom lecture to today’s outrage. Third, take a smarter approach to the diversification of law school classes.

Many law professors are guilty of teaching the law in a vacuum. These professors, for their sixty minutes of class, portray the law as if it were neutral. This vacuum approach to legal education is not effective for this generation because the environment outside of law school in which the law is applied is anything but neutral. In fact, it is highly politicized and often used against the interests of justice. By politicizing the classroom, law students will be able to identify the “gaps, conflicts and ambiguities” in the law.⁴ After discussing the actual purpose of the laws, students, regardless of their political persuasion, may be more likely to ensure that the law is not abused or applied contrary to the furtherance of justice.

An exceptional law professor’s classroom is a controlled chaos. Legal educators should couple this teaching style with an application of the lesson to current events. Professors should aim to teach law students the reasons why certain actions taken by the government are legal violations. In this way, professors can help law students to draw the connections between legal violations and the violators.

Finally, law school administrators should aim to increase diversity for many reasons, one of which is to add perspective to classroom discussions. Law schools should especially consider socio-economic status when seeking a diverse student body. We are all familiar with this scenario: an upper class minority student who has been fortunate enough to receive a top-rate education and excel despite the odds, instead of encouraging other minorities, shuns them, as if to tell them to pull themselves up by their own non-existent boot straps. A richly diverse environment will serve as a system of checks and balances. During debate, students whose rational line of thought has been jammed by privilege or susceptibility to political rhetoric can be quickly reminded by a victim of such rhetoric that there are clear parallels between his victimization and the perpetrator. Creating an environment in which students can influence the thought pro-

2. See Jennifer Loven, *Bush Gives New Reason for Iraq War, Says US Must Prevent Oil Fields from Falling into the Hands of Terrorists*, BOSTON GLOBE, Aug. 31, 2005, available at http://www.boston.com/news/nation/articles/2005/08/31/bush_gives_new_reason_for_iraq_war?mode=PF.

3. See generally Duncan Kennedy, *Politicizing the Classroom*, 4 S. CAL. REV. L. & WOMEN’S STUD. 81 (1994).

4. *Id.* at 81.

cesses of their peers will likely cause these students to question and second guess the explanations and justifications fed to them by the government before allowing their rational thought processes to become jammed.

In sum, legal educators have the obligation to address the inconsistent application of the law in this country. Teaching from the left by politicizing the classroom, applying legal lessons to current events, and diversifying the student body and legal discussions can aid in this process.

While the political and social context of our times appears to necessitate this protocol for change in legal education, the rigidity of routine and resiliency of naturalized structures that perpetuate status quo and stagnation challenge the solution. We next explore psychic and institutional processes that prohibit change in the production and usage of knowledge despite our awareness of the need for change and possibilities of reform.

II

CHALLENGES OF CHALLENGING THE STATUS QUO OF KNOWLEDGE PRODUCTION

CHIWEN BAO

Reflecting back, we can gain perspective on our lives. Hindsight offers us the opportunity to cultivate wisdom, to see truths that were previously obscured. Time and distance are some of the greatest luxuries for so-called “ivory tower” inhabitants. We cultivate knowledge and theory through this privileged space and perspective. However, living in the moment, we often fall victim to myopic vision. We see what is immediately in front of us, react and act according to that limited view of reality. Our comfort zones are delimited by routine, familiarity, and tradition. We abandon the benefits of hindsight and critical perspective when we cling to naturalized and normalized patterns in teaching and learning. In these moments, we continue to maintain artificial disciplinary boundaries that fracture our knowledge, uphold myths of objectivity and neutrality, repress our experiential knowledge, and alienate ourselves.

While scholars recognize the complexity and multiplicity of our lived experiences and begin to build theoretical frameworks to capture that complexity, academic and legal practitioners continue to preserve disciplinary boundaries that fracture our knowledge and divide our analytical tools. For instance, visionary scholars before us laid down analyses of how our legal institutions reinscribe structures of racism and sexism, yet these analyses remain relegated to the periphery of legal education and practice.⁵ We build bodies of knowledge that theorize intersectionality, but we return to our tried but not necessarily true pedagogical practices of promoting isolated and decontextualized discourse and practice. Even when we successfully examine the intersecting vectors of power

5. See generally *CRITICAL RACE THEORY: THE KEY WRITINGS THAT FORMED THE MOVEMENT* (Kimberlé Crenshaw, Neil Gotanda, Gary Peller & Kendall Thomas eds., 1995).

in our cross-sectional moment, we have difficulty building action from that perspective.

The naturalization of knowledge through educational practices also entails perpetuating hegemonic myths of neutrality and objectivity. We engage with our teaching and learning supposing that we can embody a so-called disciplined ability to proceed with objectivity and view the world through unbiased analytical lenses. With this supposed objectivity, we carry on a legacy of Enlightenment thinking that is predicated upon logocentrism, rationality, disconnection, and disembodiment.⁶

Seduced by a language of objectivity, we silence our experiential knowledge and detach the narrowness of our daily experiences from the maintenance of hegemonic ideologies. For example, we note the disproportionate number of black students being deprived of educational opportunities and relegated to dysfunctional schools, but we rationalize the costs of affirmative action and discuss the matter within these walls in terms of constitutionality. Furthermore, while sensory outlets like the media feed us inconsistent explanations and justifications, we remain vulnerable to deception and believe the constructed reality of someone else's imagination. For instance, we consume highly trafficked and problematic racial imagery, yet we continue to use an ideology of colorblindness to explain supposed post-civil rights racial progress.

Ultimately, we abandon our wisdom, ethics, principles, and truths and alienate ourselves. Our silence marks our complicity in a system where our knowledge is fractured, our vision is blurred, and our democratic principles are manipulated. We relinquish our power to think for ourselves. However, our commitment to change can save us. As producers, consumers and translators of knowledge, we are situated in a matrix of power and domination where we are both actors and subjects who have the ability to disrupt forces that naturalize hegemony. We can recognize the artificiality of fragmenting knowledge; we can regain and employ our critical perspective; and we can return to our wisdom.

6. In most educational and professionalizing institutions, students are instructed to digest and act upon bodies of knowledge that hold authority and legitimacy based on their supposed rationality, scientificity and objectivity. The dominance of this epistemological view stems from Enlightenment-era thinkers' theorizations that human lived experiences can be objectified, known, disentangled and categorized. However, as a system of knowledge production that emerged out of a context of patriarchal slavery, racism, and colonialism, its underlying assumptions are far from neutral. Thus, by privileging and relying upon this system of knowledge production, we unknowingly (or perhaps knowingly) contribute to the perpetuation and calcification of systems that reinstate status quo, including racialized and gendered structures that privilege male-ness and whiteness. Contrary to popular belief, interrogating false assumptions of objectivity does not lead us into a whirlwind of relativism, but allows us to locate the source and position of what we claim to know and what we deem to be true. For a critical analysis of the relationship of racial oppression to the project of modernity, please see THOMAS C. HOLT, *THE PROBLEM OF RACE IN THE 21ST CENTURY* (2000). To explore the epistemological limitations of "objectivity" claims with specific regards to sexual politics and gendered bodies, please see DONNA J. HARAWAY, *SIMIANS, CYBORGS, AND WOMEN: THE REINVENTION OF NATURE* (1991).

Teaching from the left can enable us to recenter ourselves, not on a spectrum where right stands for the politically conservative and left stands for the politically liberal, but where centering stands for the process of returning to our principles and our realities. Engaged in that process, we can simultaneously see what lies immediately before us while holding onto our privileged perspective of hindsight. We can use our multiple analytical lenses to approach our theories and practices, and to interrogate the illusory powers of dominant approaches to knowledge. We can deconstruct disciplinary boundaries and discover their intersections with previously fragmented knowledge.

Moreover, we can reconnect ourselves with the content and process of our education. We can decompartmentalize and contextualize our knowledge, practices and experiences in order to see how our academic learning and our lived realities are relevant to each other. We can meaningfully combine theory and praxis by recognizing the inconsistencies between our thoughts and actions and building greater self-awareness.

Thus, a leftist approach can enable legal education to grow as a space to foster personal and social transformation. We need to regain our ability to reflect on our situatedness and to think from that place for ourselves. We need to develop the courage to re-claim our power, our minds and bodies, in order to acknowledge what we see and what we know. The cost of not doing so is to fail humanity and ourselves.

III.

GENDER STUDIES: A LENS FOR CHALLENGING THE STATUS QUO OF LEGAL EDUCATION

RACHEL REBOUCHÉ

The ability to reconceptualize teaching law (particularly teaching law from the left) depends in part on the ability to re-envision the role of law schools. Yet, as discussed in these Essays, law schools as institutions are resistant to reform. Almost twenty years of studies of student experiences, which show women are generally more dissatisfied than men with their law school experiences, illustrate this point.⁷ Patterns remain consistent from the first studies conducted at Stanford and Yale in 1988⁸ to the most recent studies published at Harvard

7. For articles that summarize the results of student experience studies, see Elizabeth Mertz, Wamucii Njogu & Susan Gooding, *What Difference Does Difference Make? The Challenge For Legal Education*, 48 J. LEGAL EDUC. 1 (1998); Joan M. Krauskopf, *Touching The Elephant: Perceptions of Gender Issues in Nine Law Schools*, 44 J. LEGAL EDUC. 311 (1994); Nancy J. Soonpaa, *Stress in Law Students: A Comparative Study of First-Year, Second-Year, and Third-Year Students*, 36 CONN. L. REV. 353 (2004); Richard K. Neumann, Jr., *Women in Legal Education: A Statistical Update*, 73 UMKC L. REV. 419 (2004); ABA COMMISSION ON WOMEN IN THE PROFESSION, DON'T JUST HEAR IT THROUGH THE GRAPEVINE: STUDYING GENDER QUESTIONS AT YOUR LAW SCHOOL (1998).

8. Catherine Weiss & Louise Melling, *The Legal Education of Twenty Women*, 40 STAN. L. REV. 1299 (1988); Janet Taber, Marguerite T. Grant, Mary T. Huser, Risë B. Norman, James R.

and U.C. Davis in 2005.⁹ Despite significant changes in the demographics of law schools and larger changes to the legal profession,¹⁰ empirical data (measuring class participation rates, grade distribution, and post-graduation employment placements) and experience-based surveys (assessing student satisfaction and perceptions of performance) suggest that women receive lower grades,¹¹ participate in class less often,¹² and report more intense feelings of alienation and diminished self-esteem in law school¹³ than their male counterparts.

Many critiques of the law school experience focus on classroom dynamics and, more specifically, on problems with the adversarial style of teaching students.¹⁴ Although some have taken a more tempered view of the Socratic method,¹⁵ much of the literature concerning gender and legal pedagogy argues that the Socratic method may inhibit creative problem-solving and ignore important contextual information (such as what happened before litigation and the effect of the dispute on other parties).¹⁶ The Socratic method becomes emblematic of student alienation: the feelings of intimidation experienced by students questioned aggressively by a professor lead to lower class participation and a lack of confidence.¹⁷ This then may contribute to lower grades, and thus limited access to grade-related rewards like law review membership.¹⁸

Sutton, Clarence C. Wong, Louise E. Parker & Claire Pickard, *Gender, Legal Education, and the Legal Profession: An Empirical Study of Stanford Law Students and Graduates*, 40 STAN. L. REV. 1209 (1988).

9. Adam Neufeld, *Costs of an Outdated Pedagogy? Study on Gender at Harvard Law School*, 13 AM. U. J. GENDER SOC. POL'Y & L. 511 (2005); Celestial S.D. Cassman & Lisa R. Pruitt, *A Kinder, Gentler Law School? Race, Ethnicity, Gender, and Legal Education at King Hall*, 38 U.C. DAVIS L. REV. 1209 (2005).

10. David D. Garner, *Socratic Misogyny? Analyzing Feminist Criticisms of Socratic Teaching in Legal Education*, 2000 B.Y.U. L. REV. 1597, 1612–14 (2000) (noting the increasing number of women who attend law school to almost 50% or more of most law school classes).

11. See, e.g., Neufeld, *supra* note 9, at 540.

12. See, e.g., *id.* at 533.

13. See, e.g., *id.* at 548–50.

14. See, e.g., Alan M. Lerner, *Using Our Brains: What Cognitive Science And Social Psychology Teach Us About Teaching Law Students To Make Ethical, Professionally Responsible, Choices*, 23 QUINNIPAC L. REV. 643, 654 (2004).

15. The cited benefits of the Socratic method include promoting active learning, teaching students to be self-educators and to “think on their feet,” and being more dynamic than the lecturing system. See Garner, *supra* note 10, at 1605. See also Jennifer L. Rosato, *The Socratic Method and Women Law Students: Humanize, Don't Feminize*, 7 S. CAL. REV. L. & WOMEN'S STUD. 37, 59 (1997) (suggesting modifying rather than abandoning the Socratic method).

16. See, e.g., PollyBeth Proctor, *Toward Mythos and Mythology: Applying a Feminist Critique to Legal Education to Effectuate a Socialization of Both Sexes in Law School Classrooms*, 10 CARDOZO WOMEN'S L.J. 577, 590 (2004).

17. See, e.g., Lila A. Coleburn & Julia C. Spring, *Socrates Unbound: Developmental Perspectives on the Law School Experience*, 24 LAW & PSYCHOL. REV. 5, 14, 27 (2000).

18. The link between lower grades and the Socratic method may be, if we assume grades fairly assess learning, the ways in which emotional stress (often associated with cold calling) inhibit building memory and expertise skills. Lerner, *supra* note 14, at 669.

Given that the identified cause of student dissatisfaction is teaching style, it is not surprising that most proposals for reform advocate changing the individual student's experience in the classroom.¹⁹ More specifically, solutions for closing the gap between women's and men's performance include hiring more female faculty, abandoning the Socratic method, incorporating deeper analysis of ethical and emotional considerations in cases, enforcing non-discrimination policies in the classroom, and reducing class size.²⁰ These solutions are based on perceptions of what women need to succeed as law students: women need smaller groups to speak confidently, or women are more collaborative and thus react badly to an adversarial method of instruction. It suggests that women bring a different skill set to law school; that they value negotiation and relationships more than men, who are supposedly better at the argumentative, confrontational style to which law school traditionally caters.²¹

Much of this analysis relies on a difference theory in the vein of Carol Gilligan's work on how women and men learn.²² Building on this, the work of Catharine MacKinnon has also been influential in suggesting that this gender difference is a manifestation of men's ability to dominate the legal profession to their advantage.²³ However, examining the data through this theoretical lens may entrench gender disparities. Difference and dominance theories may speak for women from a position of vulnerability as individuals isolated in a classroom and propose solutions that replace one set of stereotypes with another. Failing to account for the diversity among women invites continuous discussions about the exceptions to some of these stereotypes and results in comparisons of forms of marginalization; that is, how characteristics like race and socio-economic background can be more stigmatizing than gender.²⁴

Debate about the differences between men and women, and among women, might mask other institutional challenges for law schools. As evidenced by law faculty changing their teaching methods²⁵ and growing acceptance that the So-

19. See, e.g., Jennifer Gerarda Brown, "To Give Them Countenance": *The Case For A Women's Law School*, 22 HARV. WOMEN'S L.J. 1, 6 (1999).

20. See, e.g., Morrison Torrey, Jennifer Ries & Elaine Spiliopoulos, *What Every First-Year Female Law Student Should Know*, 7 COLUM. J. GENDER & L. 267, 298-309 (1998).

21. See, e.g., Carrie Menkel-Meadow, *Portia Redux: Another Look at Gender, Feminism, and Legal Ethics*, 2 VA. J. SOC. POL'Y & LAW 75 (1994) (arguing that women approach law with an "ethic of care and compassion").

22. CAROL GILLIGAN, IN A DIFFERENT VOICE: PSYCHOLOGICAL THEORY AND WOMEN'S DEVELOPMENT (1982) (showing that girls valued affiliation and interpersonal relationships). See, e.g., Proctor, *supra* note 16, at 584.

23. See generally CATHARINE MACKINNON, FEMINISM UNMODIFIED: DISCOURSES ON LIFE AND LAW (1987) (series of lectures exploring the social hierarchies that empower men and disempower women). See, e.g., Phyllis Goldfarb, *A Theory-Practice Spiral: The Ethics of Feminism and Clinical Education*, 75 MINN. L. REV. 1599, 1612-14 (1991).

24. See Angela P. Harris, *Race and Essentialism in Feminist Theory*, 42 STAN. L. REV. 581, 608 (1990) (describing the ways in which legal feminism can silence black women by failing to recognize "a self that is a multiplicitous, not unitary").

25. See, e.g., Kirsten A. Dauphinais, *Valuing and Nurturing Multiple Intelligences in Legal*

cratic method is outdated, legal pedagogy is changing.²⁶ However, even with increasing efforts to reform legal pedagogy, studies continue to show differences in men's and women's performances. The recent Harvard Study, for example, showed that gender disparities in class participation remain regardless of whether the class was Socratically taught.²⁷ Law schools have yet to develop comprehensive (and consistent) strategies to address students', and particularly women's, sense of alienation from their legal education that studies continue to detail.

Data on student satisfaction may highlight one cause of student alienation, which is the gap between legal education and the context in which students will practice law. The case method and the Socratic method were adopted in the late nineteenth century in response to the needs of a growing legal profession transitioning from an apprenticeship model of legal training.²⁸ Today's legal environment demands different skills: negotiation, managing multiple sources of information, and role flexibility are important skills for lawyers.²⁹ Some skills modern lawyers must possess, such as collaboration with clients and colleagues, correspond to those that feminists ascribe to women more generally;³⁰ the failure to teach law as to improve those skills, however, may signal that what is learned in law school and what legal practice actually entails may be largely unrelated. An important inquiry for law schools is how legal education can help students consider what their values and goals are; how they might achieve them; and what their professional responsibilities might be.³¹

Much of the literature reviewing gender studies seems disillusioned with law schools' ability to transform their own systems of governance or to influence the legal profession more broadly.³² Lacking a clear vision for what kind of

Education: A Paradigm Shift, 11 WASH. & LEE RACE & ETHNIC ANCESTRY L.J. 1 (2005).

26. See Orin S. Kerr, *The Decline of the Socratic Method at Harvard*, 78 NEB. L. REV. 113, 115–16 (1999) (describing the teaching at Harvard Law School as bearing only a “casual resemblance” to the Socratic method and noting the practices of “counter-traditionalists” who reject the Socratic method).

27. Neufeld, *supra* note 9, at 533.

28. See Robin A. Boyle & Rita Dunn, *Teaching Law Students Through Individual Learning Styles*, 62 ALB. L. REV. 213, 217–18 (1998).

29. See Susan P. Sturm, *From Gladiators to Problem-Solvers: Connecting Conversations about Women, the Academy, and the Legal Profession*, 4 DUKE J. GENDER L. & POL'Y 119, 126 (1997) (questioning how legal education has kept pace with technological and economic developments in law); Lani Guinier, *Lessons and Challenges of Becoming Gentleman*, 24 N.Y.U. REV. L. & SOC. CHANGE 1, 10 (1998) (emphasizing the current role of the lawyer as a problem-solver and negotiator).

30. Proctor, *supra* note 16, at 601 (implementing the suggestions of a feminist critique of legal education would effectuate a socialization of both sexes that would help repair the profession's reputation and reorient lawyers with a clear vision of professional identity.)

31. See Lerner, *supra* note 14, at 655 (noting that law schools seldom make core changes in curriculum that would help students identify their personal values or tackle difficult ethical questions).

32. For example, in her critique of gender studies, Jennifer Rosato suggested that law schools were not capable of making the changes that would result in wholesale reform of teaching

lawyers the legal educational process is meant to produce leads to an adherence to the status quo, making law schools unable to adapt to changes in the profession and diminishing law schools' power as institutional change agents.³³ Gender studies may signal the need for new thinking in reacting to gaps in legal education. And there is good reason to shift the terms of current dialogue, if for no other reason but to infuse a sense of immediacy in this long-standing conversation.

CONCLUSION

Taken together, these Essays have outlined here how the depoliticized content taught in the classroom is disconnected from the highly politically-charged context of our time. Moreover, we have located the source of this crisis in the naturalization and normalization of hegemonic ideologies, which contribute to institutions' resistance to change. A leftist legal education is one part of balancing the perspectives of this generation's law students to help them move closer to becoming critical thinkers. Individual and institutional change is possible. Living up to our ethical obligations to pursue justice and fairness, we can incorporate a critical perspective into how we approach theoretical frameworks and practices of law. In these ways, we will make our learning relevant to our reality and our lived experiences.

methods: "Unfortunately, law schools cannot dictate a particular teaching style or mandate therapy for a professor who needs it." Rosato, *supra* note 15, at 50.

33. Compare this to the ways that other graduate or professional programs have changed pedagogical approaches. See David A. Garvin, *Making the Case: Professional Education for the World of Practice*, HARVARD MAGAZINE, Sept.–Oct. 2003, at 56–65, 107 (noting how business and medical schools have changed pedagogical approaches to keep pace with the respective professions).

PART II:
CONTRACT LAW

