From the Editors

One purpose of the *Journal of Legal Education* is to introduce novel approaches to teaching and scholarship about law school and the legal profession. Probably as a testament to the ferment in legal education today and in studies of the legal profession, this issue is characterized especially by articles that bring innovations to teaching and scholarship. We highlight a few in this introduction.

The issue begins with a Symposium on “Teaching Mass Incarceration,” a subject that has received considerable attention from activists and some from mainstream media but is remarkably absent from the law school curriculum. Giovanna Shay opens with a case study of “Inside-Out as Law School Pedagogy,” a teaching vehicle for bringing prison inmates and law students into one course, building student engagement and inspiring open-minded discussion that forces students to move beyond knee-jerk politics and clichés. The second article in the Symposium, by Sharon Dolovich, makes a powerful case for teaching the “law governing prisons,” the “back-end” of the criminal justice system and the law applicable to 2.3 million Americans, of whom a huge disproportion are African-Americans—arguably a front line in civil rights advocacy today. The third article, by Teresa A. Miller, entitled “Encountering Attica,” explores documentary film-making to transform the dialogue of the “inside-out class” into a vehicle for reaching much larger audiences. Readers of these contributions will be hard-pressed to deny the case for more visibility and engagement with mass incarceration and the means to accomplish those goals.

The six articles that follow begin with a short but striking empirical study by Theodore Seto asking, “Where Do Partners Come From?” Examining the number of partners at the leading national law firms in major cities, he finds that, first, almost all law schools are “local” in terms of where their graduates go, and, second, that a very large number of partners in the largest corporate law firms come from law schools that may not rate highly in *U.S. News* but have built a network and a critical mass in a particular geographical area—typically the city where they are located. Suffice to say that the article should be required reading for those trying to make sense of lawyer careers and when and where law school is a good investment.

Andrew Yaphe in “Taking Note of Notes” takes a topic few professors think systematically about and forces us to consider some serious issues. First, there is a taken-for-granted literature on what students are supposed to do to produce good Notes, and he makes a strong case that we might want to question the standard recipes. Second, he does an empirical study of Notes produced by elite law reviews and by law reviews from schools lower on the pecking order,
and finds evidence both that the standard recipes are being followed but also, and more at the elite level, that some students are pushing the boundaries in the ways that their faculty seek to do. The article raises but does not in fact purport to solve the issue of what the Notes really are supposed to do.

“Crisis in the Classroom,” by Shawn Marie Boyne, is literally about how to use simulations to teach leadership skills, fact gathering, and analysis in the context of a national security emergency. The course described in the article was a logistical tour de force and great experience for a combination of law students and students from a public policy school.

The article by Paula Gerber and Melissa Castan on “Practice Meets Theory: Using Moots to Teach Human Rights Law,” focuses on international moot court competitions involving human rights law in Africa, the Americas, and Australia. Beyond the conventional notion that moot court competitions build skills, the authors show that the competition is one of the few means to really bring law students from around the globe to a recognition of what can be accomplished through international human rights advocacy. Moot courts, in this respect, are key components of an emerging transnational “rights consciousness.”

Michelle Falkoff, a legal writing professor at the University of Iowa, demonstrates just what can be gained by borrowing some of the methods identified with the Iowa Writers’ Workshop. She shows how the peer group critique of a particular work in progress makes students much more aware of what they need to learn and their own progress in first-year legal writing. This creative borrowing offers much potential to enhance how we teach legal writing.

The last of the articles may be a template for the future of law school teaching as the age of “outcomes” and “assessment” gets closer. Carolyn Grose tells the story in “Outcomes-Based Education One Course at a Time” of how she developed and taught a Trusts and Estates course for the first time. She self-consciously embraced the literature on how to work backwards from the course goals, including professional identity goals, toward the means to assess the accomplishment of those goals, and then to an appropriate pedagogy. The article provides a unique “how to” for an approach that has taken hold and is increasingly prescribed by higher education regulators.

The two book reviews epitomize what we seek to publish in the book review section. Parenthetically, they show also why we persist even though for the JLE, as for other journals, it is difficult to secure reviewers in today’s academic world. Each review in this issue introduces an important book and then engages the author at a very high scholarly level. Steven J. Macias reviews Ellen Holmes Pearson’s Remaking Custom: Law and Identity in the Early American Republic. The review highlights the crucial role that legal scholars played in building the status of law in the early American Republic, the identity of law as American and not British, and its identification with morality and reason. The success of law came precisely because the individuals covered in this book, the reviewer
points out, did not cave in to pressures to teach law only as a trade—pressures, he notes, that are quite prevalent again today.

The review by Andrea Roth of *The Collapse of the American Justice System*, by the late William J. Stuntz, celebrates the power of the Stuntz critique and its place in debates about criminal justice. Working with that critique, she raises further important questions about how best we might change the incentives that, among other things, produce the mass incarceration that this issue’s Symposium addresses.

The issue does not have a unified theme, but it is full of gems. Please let us know any reactions or suggestions and, to make a request that ties into our discussion of the book reviews, we encourage volunteers to review books, though we cannot accept proposals to review a particular book. Give us your area of expertise, we will try to match you with a good book to review, and we look forward to adding more stellar reviews that move us ahead in legal scholarship.

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