

SOME THOUGHTS ON LEGAL EDUCATION

Broadly there are two systems in modern legal education: the lecture-text book system and the case book system. Each of these have their attributes, merits, and advocates. Who is to say that one is better than the other?

On the other hand the lecture system endeavours to put forth principles of the law relying on and referring to the cases for authority. A lecturer would enunciate such a principle, discussing it and giving for his authority a case which he leaves to the student to look up at a subsequent time. The average student who often tends toward laziness may neglect to do this, with the result that he does not receive the full value of the system.

The case book system on the other hand takes a firm grip on the case itself and from it wrings and extracts the principles. This is no field for a lazy student for by his neglect he loses every merit to be drawn from the system.

If our student had a choice he would, like electricity, choose the path of least resistance, namely, the lecture system. Indeed, this point may be the chief weakness of the system. The term "spoon-feeding" has often been applied to education such as this. Here the case system serves as a check. It stresses research and initiative which ultimately leads to clear, original legal syllogism, which is an admirable and probably a necessary quality in a good lawyer. For both systems there is much to be said but whichever one is used the student will get out of his course what he puts into it and no more.

Both systems have been tested and both have proven successful. The modern trend seems to be away from the lecture method towards the case method. This is quite evident when one visits the law schools across the country and there sees our average student staggering under the weight of these voluminous works.

Having been exposed to both systems, a dialectical process is envisioned by the writer, the lecture system being the thesis and the case system being the antithesis. The one rising up to challenge the other, the struggle for existence and the ultimate emergence of a new system, which is devoid of the defects of both and which combines the better qualities of each. Here is a system for our average student who might have lost sight of his goal in the one system or floundered in the realm of initiative in the other. Says he, "I have to use a certain amount of initiative but I am guided in such use by men much more qualified than myself," for our student is fundamentally very humble.

Again our student is often of a delicate nature and subject to various nervous disorders so that this middle road which we would have him follow would seem a desirable means to nurture him to legal maturity with the least number of psychological complexes.

No doubt this idea of combination has been proposed before, for as a student newly introduced to the case system the writer finds himself yet unable to have an original thought. The idea has probably been put to use to some extent by individual lecturers throughout the English legal system. But as far as can be known it is not in general use.

However let us think of it and mull it over, for this infant may grow to be a powerful and efficacious adult who could more than adequately fill the shoes of his ailing predecessors.

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