THE ORMROD REPORT: A CANADIAN REACTION

THE Report of the Committee on Legal Education [1] proposes an integrated scheme of professional education in which university law degrees are to constitute a normal first step, followed by professional or vocational training and continuing post-admission education. Within this scheme, the universities are to gain in both responsibility and autonomy, by being accorded full faith and credit for their degrees as the first step in the process of professional qualification, and by assuming responsibility for pre-admission vocational training. Changes in the content and orientation of university law degrees are contemplated by the Report's benign comments on the need to broaden and modernise lawyers' knowledge and to enhance their ability to relate to, and serve, individuals in a changing society. Professional or vocational training and examinations, on the other hand, are to become more authentically practical.

These broad recommendations deserve, and should gain, general acceptance, no less because they reflect both widespread practice abroad, and an apparent broad consensus between Committee members representing the academic and practising wings of the English legal profession.

The question remains, however, to what extent critical evaluation of the Report is to be foreclosed by the Committee's virtually undebatable dictum that " Developments which are evolutionary in character tend, in this country at least, to have a better chance of success than abrupt and radical changes." [2] This question is particularly intimidating to a foreign commentator who lacks a cultivated sense of what is " evolutionary " and what is " abrupt and radical." Nonetheless, the Report can be evaluated on the basis of the evidence and reasoning which appear on its face, the clear implications of its recommendations, and the experience in other countries, to the extent that it is not culturally specific.

THE LEGAL PROFESSION'S INFLUENCE ON LEGAL EDUCATION

Of all the issues raised by the Report, none is more thoroughly explored, and yet less clearly resolved, than that of the profession's influence over the education of its prospective members.

The historical picture is plain enough. By the mid-nineteenth century, the profession's direct control of legal education had become a public scandal. In 1846 a Select Committee on Legal

[1] Report of the Committee on Legal Education (Cmnd. 4595, 1971, Hon. Mr. Justice Ormrod, Chairman) (hereinafter, Report).
[2] Report, para. 7.

Education produced a report, described by the Ormrod Committee as a " remarkable and far sighted study," which, at its core, favoured university instruction in law as the primary vehicle for legal education. It is a testimonial to the Ormrod Committee's devotion to the process of evolution that it could remark: " The history of legal education in England over the past 120 years is largely an account of the struggle to implement the recommendations of the 1846 Committee and the effects of that struggle." [3]

Gradually, the universities became involved in the educational process, in effect as proxies of the professional bodies. Yet today, despite the substantial autonomy of the universities within the sphere of legal education entrusted to them, the profession maintains ultimate control through three devices. First, law graduates are offered exemption from some professional qualifying examinations only if their university subjects follow professionally-prescribed curricula. The profession thereby effectively controls not only what subjects are taken by university graduates, but as well the method of approach to those subjects.[4] Moreover, a university law degree is only one of several possible methods of embarking on a legal career. This, in effect, inhibits the ability of the universities to create a " seller's market " in the supply of new recruits, and thus to assert their authority *vis-à-vis* the profession. Secondly, no exemption is offered in respect of certain professional qualifying examinations so that, at least in some areas, the abilities of each recruit are directly tested by the profession. Thirdly, recruits must serve a period of clerkship or pupilage. While this period is formally directed towards the acquisition of practical skills, new lawyers are also informally " socialised," taught the norms and behaviour patterns which are the basis of a stable legal profession.

At this point, the Report might have developed in one of two directions. On the one hand, it might have evaluated the efficacy of the present arrangements: is the process of training lawyers effective and efficient? On the other hand, it might have confronted the issue of principle: is the public interest well served by ultimate professional control over legal education?

The Report clearly takes up the first alternative: " The fundamental problem may be defined as that of combining the education which is necessary to enable a person to follow a ' learned ' profession, with instruction in the skills and techniques which are essential to its actual practice. . . ." [5] There are a host of reasons, no doubt, for adopting this approach: the relatively reformist posture at present of the professional bodies,[6] historical evidence of the futility of attempting forcibly to divest them of their control, and

[3] *Ibid.*, para. 19.

[4] Report, paras. 83–84 stress, respectively, the defects of the exemption system and of professional examinations. The latter criticism has been somewhat overtaken by recent changes in the style of professional examinations in the direction of more practical and realistic, rather than memory-testing, questions.

[5] Report, para. 82.

[6] Report, appendix F.

the sensible calculation that constitutional forms will develop in due course to support educational reforms. A foreigner can only defer to the Committee's judgment on such a sensitive political issue. However, failure to confront the issue of professional control as a matter of principle unfortunately precluded a definitive statement of the role of the academic branch as a vital force within the profession.

It is now conventionally assumed,[7] in most professions other than the English legal profession, that the universities should not merely train new recruits, but should be as well the source of higher standards of technical competence, of innovation and reform, and consequently of considerable influence in the development of the profession. In contrasting the "dominating role" of medical faculties with the historic isolation of law faculties,[8] the Report does make this point, but it does not take up the opportunity to articulate a public interest rationale for university-based professional education.

Ultimately, it is submitted, the best case for university control of legal education is not made out by claims of superior pedagogy or more efficient use of library and physical resources. Rather, it is that the public interest (and that of the profession) is best served by the existence of a vital centre of legal scholarship in which new ideas and skills and values will continuously be generated. In part, these ideas, skills and values will be disseminated through books and articles and professional "continuing education" programmes. In part, they will result from the active participation by academics in law reform and professional affairs. Mostly, their adoption by the profession will occur by osmosis as the result of the absorption of new recruits who will act as change-agents, socialising the senior members of the profession and themselves gradually seeping into positions of authority and responsibility. But without an independent and prestigious academic community, none of this will happen. Books and articles will not be written or read; academic participation in the outside world will not be invited or appreciated; and students will adhere to the prevailing style and standards of practice rather than the more highly developed model proffered by the law schools.

To repeat, the Report's failure to embark upon what it no doubt considered to be a gratuitously irritating political issue is altogether understandable. But the issue does not, for that reason, cease to be important.

THE WORK OF THE LEGAL PROFESSION

The Report asserts the sensible premise that legal education should be designed with the realities of professional life in view.[9] Intro-

[7] See *e.g.* Greenwood, "Attributes of a Profession," in Vollmer and Mills (eds.), *Professionalization*, at p. 11.

[8] Report, para. 85.

[9] *Ibid.*, para. 86

ducing an interesting, if impressionistic, sketch of legal practice, the Report remarks with insight: " the most striking feature of the legal profession is the enormous width of its spectrum, both in function and subject matter, combined with the relatively narrow limits within which many individual practitioners actually operate." [10] Three general conclusions flow from this observation. As to intake: " the profession will always need to recruit men and women of widely differing character, temperament and intellectual attainments. . . ." [11] As to training:

> " The range of the subject-matter of the law is so great that no system of education and training before qualification could possibly cover the whole of it, except in an utterly superficial and useless manner. The process of acquiring professional knowledge and skills is continuous throughout the lawyer's working life. . . . The student (or pre-qualification) period, therefore, cannot be more than an introduction. . . ." [12]

And as to professional practice: " The professional lawyer requires a sufficiently general and broad-based education to enable him to adapt himself successfully to new and different situations as his career develops. . . ." [13] Each of these conclusions is unexceptionable. Curiously, they are all ignored by the Committee in its recommendations.

First, the Committee stresses the need for diversity in recruitment in order to assure the presence within the profession of the full complement of persons needed to fill the spectrum of professional roles.[14] But to what avail? Its recommendations do nothing to assist the matching of recruits to roles. Will those who are most intellectually distinguished be allowed to employ their abilities to the full, rather than languish in essentially clerical tasks? Will those who are most empathetic practise in such areas as domestic relations, and those who are insensitive be denied the opportunity to wreak damage upon their clients? So long as every lawyer has the right to perform any task falling within the ambit of his branch of the profession, " role matching " is difficult. However, it might be accomplished either by formally channelling persons of proven aptitude into specialised practices or by informally exposing students to a variety of professional situations so that they can identify those most congenial to them. Yet the Report proposes neither formal certification of professional specialists (terming the case for it " not made out ") [15] nor sufficiently intensive cultivation of the personal interests and abilities of recruits to enable them to self-select themselves for professional roles.

Next, the Committee fails in its recommendations to take

[10] *Ibid.*, para. 88.
[11] *Ibid.*, para. 98.
[12] *Ibid.*, para. 99.
[13] *Ibid.*, para. 100.
[14] This point will be dealt with, *infra*, in a section entitled " Entry into the Profession."
[15] Report, para. 185, conclusion (38).

account of its own conclusion that the " student period " is a preface to a lifetime of professional education. The Report recommends a three-year, undergraduate law degree. Whatever its other disadvantages (these are canvassed below) this is a flimsy foundation for continuing professional education. Without a base of sophisticated knowledge derived from formal instruction, it is only the most exceptional person who will be able to educate himself in later years. Only by affording the student the opportunity to specialise at the academic stage of his education, when the manifold complexities of particular areas of law can be investigated intensively, is it likely that he will acquire the motivation and the ability to maintain and enhance his knowledge. Especially is this true if education following graduation is not recognised by preferred access to the kind of work which requires such specialised knowledge.

Finally, there can be no quarrel with the Committee's admonition that any professional lawyer should enjoy a " general and broad-based education." But here again, it is dubious that the Committee has accepted fully the implications of this conclusion. For one thing, three years of formal instruction is hardly adequate to prepare a student for a broad view of the legal process, let alone to acquaint him with adjacent disciplines. The shortage of time available for this central task has both professional and personal implications. As to the former, the student is almost certain to lack any sophisticated comprehension of a discipline other than law. Whether he is judging, legislating, advising, or litigating, his unidimensional view of his function will almost certainly detract from the professional quality of his work. As to the latter, mere passing contact with other bodies of knowledge may at best provide a whetted appetite—which he cannot satisfy during the busy years in practice—or at worst lead him to regard with disdain those matters which were relegated to the periphery of his professional education. In either case, the lawyer's life as an intellectual and as a whole person is likely to be impoverished.

THE STAGES OF LEGAL EDUCATION

The Report adopts a functional view of the relationship between the various components of the educational process.

> " The new situation in higher education in this country . . . requires the integration of academic and professional teaching resources into a coherent whole. The traditional antithesis between ' academic ' and ' vocational,' ' theoretical ' and ' practical ' which has divided the universities from the professions in the past, must be eliminated by adjustment on both sides." [16]

But if one accepts that the problem is essentially that of integration, does it follow that the Report advances the only, or indeed the

[16] *Ibid.*, para. 85.

best, method of securing a properly integrated educational experience? The Report, without exploring the alternatives, propounds the proposition that,

> " The training process must therefore be planned on a three stage basis:
>
> (1) the academic stage;
> (2) the professional stage comprising
> (a) institutional training and
> (b) in-training; and
> (3) continuing education or training." [17]

There are real dangers in the separation of the first and second stages. Prime amongst these is the Committee's own conviction that " the traditional antithesis between ' academic ' and ' vocational ' . . . must be eliminated. . . ." While the Report does not give specific reasons for this conclusion, one important consideration is surely that intellectual comprehension is hardly enhanced if it occurs in a factual vacuum. To discuss " law " only as an abstract concept, as if it had no operation or analogue in the real world, is to present the student with a distorted picture. What gives urgency to the mastery of technical rules of law, and to an assessment of their efficacy in modern society, is precisely that law impinges upon the lives of people through the instrumentality of lawyers (and others) using it on a daily basis. Direct exposure to the legal system in operation should therefore be an integral part of either a traditional rule-oriented, or more modern sociological, legal education. Otherwise, students develop a degree of contemptousness towards the very practical problems of devising solutions in the type-situations which they are ultimately likely to encounter. Conversely, at the level of purely " practical " or vocational instruction, all too often there is a tendency to miss the intellectual element which inevitably lies buried in the real-life problem. The nexus between the academic and the vocational, between the philosophical and the practical, must therefore be constantly demonstrated by simultaneously considering both.

A second point has to do with the pedagogical implications of examining consecutively the principles of law, and their practical application. At the first stage proposed by the Report, the academic stage, students newly embarked upon the adventure of higher education are invited to rise above the mundane, and to contest issues which have engaged the attention of the world's finest minds. Having done so successfully, perhaps with distinction, for a period of three years, they are then asked deliberately to abandon reflective and intellectual pursuits for a period of total immersion in the mundane, quasi-clerical work of form-filling, precedent-following and routine tasks which form such a large part (though

[17] *Ibid.*, para. 100.

not the whole) of " vocational " training.[18] Experience in Ontario's Bar Admission Course (which the Committee to some extent impliedly flatters by imitation) indicates that students suffer a severe loss in morale and idealism from this sudden and radical shift in tasks and attitudes.

A lawyer's work after all, is a blend of the intellectual and the practical. So long as this continues to be the case, should not there be some attempt throughout the entire educational process likewise to anchor the intellectual with practicality, and to impregnate the practical with at least some germs of intellectual interest? In an effort to do this, law schools have experimented with a variety of devices: styles of classroom teaching which pose practical problems for solution, clinical education or extra-curricular clinical experience which enables a student to apply his newly acquired academic knowledge during the process of its acquisition, and introduction of " practical " courses within the law school curriculum such as advocacy, drafting and accounting where they can, at least, be examined within an appropriate intellectual context rather than seen as purely practical pursuits.

Thirdly, the Ormrod Committee seems well aware of the pedagogical problems of institutional training at the " vocational " stage. For this reason (but subject to a dissent) it recommends assignment of teaching responsibilities at the vocational stage to professional educators located within the established law schools. However, if these persons are genuinely to form part of academic law faculties, they will not wish to confine their activities to that portion of the work which can be termed " professional " or " vocational." If they are persons of ability they will wish to enter fully into the life of the law school and to contribute to the entire range of its undertakings. Thus, their " practical " propensities will infiltrate large areas of the curriculum, while at the same time they will be " intellectualised " by their academic colleagues. This almost inevitable process of cross-fertilisation will be of great benefit to both types of teachers, if given free rein. But it does suggest that attempts to offer legal education in stages will ultimately give way to a more completely integrated approach, in which the line of demarcation is ultimately erased. Perhaps, however, this prediction simply underlines the evolutionary, rather than radical tone of the Report.

LAW AS AN UNDERGRADUATE DISCIPLINE

To a North American observer, one singular omission in the Report is its failure to address itself to the possibility of graduate instruction in law. To be sure, there is a careful and accurate description

[18] The Report, para. 133, does envisage a somewhat broader type of vocational course, but even if adopted, such a course would differ in degree, not in kind, from those presently offered.

of contemporary North American systems of legal education;[19] it is highly complimentary. But the Report does not canvass the possibility that English legal education might, as in North America, be reserved for those who have already completed a first degree (or at least some substantial work) in another discipline. To be sure, to establish such a system in England would be a sharp break with existing practice, and thus violate the Report's evolutionary norms. More importantly, a longer law programme would involve costs in time and money for the student and for society which neither may be anxious to pay. Finally, there is at least some feeling in North America that the present system of legal education is too lengthy to sustain the interest of young men and women who have reached their middle twenties before entering upon their life's work. In each of these objections, there is some validity, but the countervailing considerations are also strong, and deserve attention.

The English student comes very early to law studies. Still in his adolescence, groping with problems of personal maturity and his first encounter with the world of ideas, the student can hardly be blamed if he fails to develop attitudes and habits of work which he will require as a professional. Moreover, the necessity [20] of selecting a career upon entering university—the result of making a university law degree one of the qualifications for entry into the profession—confronts three groups with a premature decision: first, those who might have chosen law after exposure to some other discipline; secondly, those who might have chosen another career had they been exposed to a broadly based arts curriculum in their first years at university; thirdly (and likely most numerous), those who use law studies as a way of actually postponing a career decision. The absence of the first group deprives law schools and the legal profession of some useful and interesting members. The presence of the second and third groups complicates the work of the legal education. Those who are unhappy with their career choice or who are merely not committed to law can hardly be expected to participate fully and diligently in the work at hand. This effect will become particularly obvious as the curriculum and character of law faculties comes to reflect their new status as part of the process of professional qualification.

The relative youth and lack of a first degree of English law students may also exact other intellectual costs so far as the work

[19] Report, appendix D, paras. 120, 123: "Law has been and is taught in the United States, and especially at the leading law schools, on a much broader canvas, and with a fuller inquiry into its political, economic, social and psychological causes and effects than in Europe . . . American law schools appear to be at once more 'liberal' and more 'practical'—*i.e.* more universal—in their approach than their English counterparts."

[20] The Report, it is true, does keep open the possibility of entry through other routes, while stressing that a university law degree should be the "normal" prerequisite (paras. 103, 112–115). However, for reasons canvassed *infra*, it is suggested that the substitution of a professional examination for persons in these categories is an unsatisfactory resolution of a difficult problem.

of the law school is concerned. First, students lack the experience of life which would contribute so much to their comprehension of legal problems. Secondly, they lack the rigorous training of pre-law work, as well as the substantive knowledge of another discipline, which might give them a vantage point for comprehension of the legal process. Both of these facts make it difficult for students to teach each other (as they tend to do in North America) and require the lecturer to lower his sights considerably in terms of the sophistication of response which he can expect. Thus, it is perhaps natural that English law teaching should be so heavily orientated towards inculcation of legal rules and legal reasoning techniques in the narrowest sense. These exercises involve basically the sharpening of analytical powers and a retentive memory, but do not evoke the ability to synthesise widely differing viewpoints and bodies of knowledge, or to extrapolate from observation and experience to the statement of a general rule.

In this connection, it is important to recall the observations in the Report that " the elucidation of difficult ' points of law ' will be an exceptional task for all but the experts, be they judges, counsel or solicitors . . ." [21] Granted (at least for argument's sake) that this arcane skill is imparted by present techniques of legal education; how successfully does it lay the foundation for the acquisition of other essential lawyerly skills: " advocacy and drafting . . . the rules which govern the practical application of the law . . . finding the facts " [22] and " the ability to understand and handle people " [23] ?

To the extent that these latter qualities are not intensively cultivated in English law schools, their graduates are likely to be less well prepared for practice than their North American counterparts who have undertaken significant pre-law work in another discipline.

Finally, English legal academics must confront an even wider gap between teaching and writing than do North American law teachers. The relative lack of sophistication and narrowness of focus in an undergraduate law course can do little to stimulate the development of new teaching materials or new insights into the conventional wisdom of the law. There may be a tendency, therefore, to see teaching as an obligation to be discharged as the price of being allowed to get on with " authentic " scholarly pursuits.

THE ROLE OF SOCIAL SCIENCE IN THE TRAINING OF LAWYERS

The attitude of the Report towards social science is curiously ambivalent. On the one hand, it stresses that

> " the influence of ideas, knowledge and attitudes derived from psychology, sociology and criminology, and the other sciences, must make an increasing impact on the law in practice and the

[21] Report, para. 88. [22] *Ibid.*, para. 91.
[23] *Ibid.*, para. 92.

profession will need to equip itself to use such material in an informed and critical manner." [24]

On the other hand, both by example and by prescription, the Committee demonstrates a disdain for the social sciences. For example, the Committee rejected the possibility of a large-scale study of the work of the profession because " the cost in time and money of such an inquiry would be altogether disproportionate to the likely value of its results." [25] If a Committee whose deliberations lasted over three years hesitated to use social science techniques because of the time involved, if a Committee engaged in forward planning for an important profession to which will be allocated considerable social resources could question the " likely value " of social science research, what, then, is to be the future of the social sciences as part of the normal decisional or investigational equipment of lawyers?

The Committee itself offers an answer. It advocates " an introduction at an elementary level " to the social sciences as part of vocational training.[26] This patronising attitude towards other disciplines (which spend at least three years in equipping students to even the minimal B.A. level) hardly augurs well for future collaboration between the disciplines. Some significant knowledge of the social sciences (or for that matter, the humanities) is not merely a further utilitarian skill such as business finance, the other " non-legal " discipline commended by the Committee for study at the vocational stage. It is designed to broaden the outlook of the lawyer as an influential citizen in shaping the affairs of his clients and his country, rather than merely help him deal with a particular case. This point, of course, is connected with the problem of an " undergraduate " law degree; three or four years is clearly insufficient to launch the law student upon any significant non-legal discipline. No one should be surprised by the frustration of the pious wish expressed in the Report that: ". . . at the academic and vocational training stages the seeds of some non-legal subjects should be sown in the hope that they will germinate and be cultivated later." [27]

Entry into the Profession: Quality and Quantity

In any profession in which a single system of admission qualifies members to perform a broad spectrum of work, the question must be asked whether entrance qualifications should reflect the most modest or the most severe demands which are likely to be made in the course of practice. Throughout, the Report appears to favour the application of minimum rather than maximum standards.

For example, as regards entry it is suggested:

[24] *Ibid.*, para. 96.
[25] *Ibid.*, para. 87.
[26] *Ibid.*, para. 137.
[27] *Ibid.*

> " Schemes of training and the requirements for qualification must . . . not be unnecessarily rigid, or overdemanding in time, lest the abler students are discouraged from entering the profession, nor must the standards be set so high that the profession will lose the services of people who are capable of becoming valuable members of it." [28]

Or again, ". . . the profession ought not to discourage persons who have not obtained a law degree from entering it, if they have other qualities which are likely to be valuable in a professional sense to the community." [29] Given the historic propensity of the legal profession to recruit from the upper and middle, rather than working, classes the Ormrod Committee's basic concern is a sound one. There should be equal opportunity of access to the practice of law, both from the point of view of the prospective professional and that of his clients.

Yet is the proposed solution an appropriate one? If a law degree should in fact be adopted as the normal method of preparation for a career in law, it is because of the content of the educational experience associated with that degree. The ability of an individual to pass an alternative set of examinations is no evidence whatsoever that he has had the benefit of the educational experience symbolised by a university degree. On the contrary, almost by definition, he has not. How, then, to test precisely what qualities he does bring to the practice of law? In effect, the Report would permit the admission to practice of persons who can pass professional examinations, whether or not they have equivalent or alternative personal qualities which might help them to be good lawyers. Surely a better solution to the problem of democratising recruitment would be to facilitate the attendance at law school of mature students and others seeking admission out of the normal pattern. Moreover, as has been stressed, once he is admitted to practice, a lawyer is entitled to undertake all professional tasks, not merely those for which his background might particularly equip him. Thus, the most relevant consideration is surely not that all reasonably deserving candidates should be admitted to practice, but rather that all practitioners should be sufficiently qualified for the tasks they undertake.

Not only in terms of quality, but also in terms of quantity, the Report fails to come to grips with the problem of the public interest. Conceded the difficulty of predicting future public demand for lawyers (a difficulty compounded by the Committee's failure to commission research on this subject), what other factor might properly be used as the criterion for planning the growth in the number of lawyers? All of the Report's mathematical calculations are premised upon an assumption of present equilibrium between the supply of, and the demand for, legal services,[30] but at best

[28] *Ibid.*, para. 98 [29] *Ibid.*, para. 112.
[30] *Ibid.*, para. 118, " We have assumed that the present rate of recruitment is broadly satisfactory."

this assumption is questionable. Perhaps instead, the Committee might have adopted a target figure for admission into the profession which would have produced a surplus of lawyers for the tasks at hand, and thus forced some of them to meet the needs of a now inadequately serviced clientele, the poor.[31] That this might be accomplished only by a slight lowering of the average income of lawyers, and by the introduction into the profession of a group of rather modestly paid lawyers, would obviously have to be taken into account. Alternatively, the Committee might have considered whether the present law schools are sufficiently well staffed and equipped, by comparison with law schools abroad or other professional schools. To assure an acceptable quality of education for those attending law school, the Committee might have recommended a postponement of any increase in numbers until adequate resources were available to do the job properly. Again, there is no evidence that this point of view was considered. Certainly, implementation of the recommendation for a substantial increase in available law school places would for the foreseeable future place great strains upon the law schools. How they are simultaneously to increase their intake, enrich their academic programmes and undertake programmes of practical instruction is difficult to envisage.

Challenge and Response

Implementation of the Ormrod recommendations, whatever their shortcomings, will give English law faculties an unprecedented position of importance in the development of the English legal system: the hand that rocks the cradle of the profession can rule the legal world. Will they rise to this challenge? On the basis of the record to date, the prospects are not encouraging. From the vantage point of North America, English law faculties (although not all law teachers) have appeared, at least until recently, to have been uninnovative, both in pedagogy and in research.

If this is a reflection of their own lack of self-confidence, engendered by the profession's historic dominance of the educational process, the new scheme should unleash their creative potential, and the Ormrod Report will be remembered as the Great Charter of English legal education.

If, however, English law faculties have suffered from anaemia due to lack of financial and human resources, mere changes in status will have only limited consequences. The costs of higher education are now generally under close scrutiny, and it will be difficult for the law faculties to attract additional funds and personnel, despite their new mandate.

A third possibility exists: English law faculties may not wish to assume the new role which is envisaged for them by the Ormrod Report. In a sense, the Committee's initial warning against

[31] Abel-Smith and Stevens, *In Search of Justice*, Chap. 8.

" abrupt and radical solutions " may be most relevant in relation to the universities. The mere promulgation of a new scheme of legal education will not erase deeply held views in academic circles about the proper role of an academic and of a lawyer in society. Yet the Ormrod reforms will have little effect if those who are to operate the new scheme on a daily basis are convinced that the intellectual cannot be a practical man of action; that the legal profession comprises a set of defined roles in which teachers teach, students learn, lawyers argue and judges apply law; that there is something vaguely improper about teachers who undertake " social engineering," students who question, lawyers who negotiate and manoeuvre, and judges who make law.

A foreigner cannot estimate the prevalence or intensity of these beliefs within the English legal academic community. He can, however, venture to predict that implementation of the Report will bring them into sharp and critical focus.

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