

Law Schools and the Profession: Narrowing the Gap

E E Clark

4 *Legal Educ Rev* 1, pp 201-221

The article is a review of this report published by the American Bar Association in 1992. It summarises and evaluates its findings, and considers what implications it may hold for Australian legal education.

Legal Education in the 1990s

M Partington

19 *J Law & Socy*, 1, pp XX

Article argues that, despite uncertainties, there are substantial opportunities ahead for professional legal educators in England. The leaders of this branch of the legal profession will need to offer a clear sense of vision as to what the future might be like, if they are to seize the opportunities that could lie ahead. The article considers the main factors which are likely to influence the structure of legal education over the next decade, and the implications of this analysis are drawn together in order to present a summary of the issues likely to shape legal education over the next decade.

The factors likely to shape legal education are government policy in relation to higher education, the responses of institutions of higher education, professional factors, and developments in the legal environment.

Four papers presented at the recent Commonwealth Law Conference held in Cyprus in May 1993 are of interest. They have not yet been published. They are:

Intellectual skills and law degrees: twelve theses, William Twining.

Skills training for lawyers in a CLE context, Lyn Tan

Are skills really frills?, Neil Gold

Skills-based training for lawyers: a neglected aspect of legal education, John Goldring

Designing and running continuing legal education programs in a private law firm, Audrey Blunden

POSTGRADUATE PROGRAMMES

Graduate research seminars: theory or praxis?

T Carney

4 *Legal Educ Rev* 1, pp 165-176

Article argues that law schools must ensure research students are instructed in research techniques. It sketches the assumptions of the research training provided at Sydney University, and outlines some of its detail.

PRACTICAL TRAINING

Professional legal education for tomorrow's lawyers: the evolution of the Postgraduate Certificate in Laws at the City Polytechnic of Hong Kong

N Gold

9 *J Prof L Educ* 1, pp 45 - 57

Neil Gold is a member of the planning team which prepared the second practical legal training course to be offered to graduates in law in Hong Kong. This article deals with the planning and development of that course.

Commencing with the Hong Kong background, the article traces the 1989 study of the needs of local practitioners including the three main themes which emerged from the result of the study, namely: the lawyer's role as planner, as settler of disputes, and as manager. The course aim and objectives are then canvassed as are the range of teaching strategies and methods, the various methods of assessment of student performance, and responsibility to practitioners' viewpoints.

Also included is the weekend consultative conference where 55 delegates including invited foreign experts participated in reviewing the proposed course and discussing the three prominent issues which emerged: the role of City Polytechnic in professional education; the newness of the course rationale and educational approach, and the assessment of student achievement. Conclusions drawn from the conference are outlined followed, briefly, by the view of the future.

Professional legal training

A Sherr

1 *J Law & Soc*, 1992, pp 163-173

This article deals with the transformation of the legal profession in the United Kingdom over the past decade, in particular the reconsideration of entrance policies and legal training. The author contends that there will be profound changes in training beginning with the implementation of the new Law Society finals course and examination which begin in September 1993. The author discusses the content of the old finals course as compared to what the new finals course will now produce. He also discusses a number of changes that will offset the new course which include on-the-job training for solicitors, continuing education courses through a variety of approaches and in-house training in larger firms. New visions of the line between academics and the professionals will begin to appear that will, in the future, cause lawyers to be more aware of their educational needs, top loading their knowledge information, abilities and skill from the first day of their legal work until the last day of their professional practice.

Instructional design and student learning in professional legal education

J Macfarlane & P Boyle

4 *Legal Educ Rev* 1, pp 63-88

Article describes a study, based on the Postgraduate Certificate in Laws (PCLL) at the City Polytechnic of Hong Kong. The study had two objectives.

The first was to discover more about student conceptions of their learning in an educational program which would introduce a new approach to learning and challenge their expectations. A phenomenographic approach was used to leave open the possibility of discovering unintended and unexpected outcomes, *ie* the mapping of qualitatively different ways in which people experience, conceptualise, perceive and understand various aspects of and phenomena in the world around them.

The second objective was to consider whether or not the design principles of the new program achieved their intended outcomes. These principles and their expected outcomes are described.

The article describes the principles and processes used for designing the PCLL, and the research findings.

Society sets PLT and admission policy

Bulletin SA, May 1993
[see Admission to Practice]

Training part time

P Cain
Solic J, 2 April 1993, p 306
Writer describes and assesses her experiences undertaking her articles training part time.

PURPOSE

Should law schools produce lawyers?

G Nash
9 J Prof L Educ 1, pp 27 - 35
Australian law schools have moved from basically practitioner-oriented institutions to academic institutions, the staff of which has tended, at least in self-perception, to change from lawyers who happen to be academics, to academics who happen to be lawyers.

The result has been to create a chasm between practice and theory which a student is expected to cross after graduation. It is time to close the gap to feed practical content back into the LL B degree so that theory and practice are taught together. The degree should then become the only qualification required for admission to practice.

Legal education of future professionals in a university

R Simmonds
9 J Prof L Educ 1, pp 37 - 43 *
Professor Simmonds considers the question of why any part of the legal education of future legal practitioners should be located in a university. His answer is that there are several good reasons for such location, from the practical ones of the difficulty in

educating large numbers of law students using just part-time instructors, to the advantages of inter-disciplinary study. He argues that the best reason is neither of these, but rather is the university's concern with the disinterested pursuit of truth, for its own sake. It is the best reason because of that concern's value in the development of the 'master practitioner'. He argues that the idea of the 'master practitioner', with his or her facility for 'practical judgment', should be the legal profession's model of excellence.

The theme of early American law teaching: the political ethics of Francis Lieber

P D Carrington
[see History]

Butterfly effects: the possibilities of law teaching in a democracy

P D Carrington
41 Duke L J 4, pp741-805
Article argues that law teaching has a modest role in democratic governance. Article deals with law and culture, the role of law teaching in American culture, its revolutionary origins, and the achievements of teaching republican morality. It then discusses the aim of teaching republican virtue and the travails it has endured over two centuries. He concludes by considering the law teacher as a public person and the influence of academic literature on American law.

RESEARCH

Graduate research seminars: theory or praxis?

T Carney
[see Postgraduate Programmes]

RESOURCES

[no material in this edition]

SKILLS

[no material in this edition]

STATISTICS

Enrollment drops after five years of growth

J P White
XXIV Syllabus, 2, Spring 1993, p 2
Reports a decrease of 1.1% in law enrolments in ABA approved law schools. Article analyses the figures and suggests reasons.

Clamour for law despite oversupply

Aust Financial Review, June 15, 1993, p 47

Reports that despite fears of a surplus of lawyers flooding the market in the next couple of years, student demand for law courses continues unabated.

STUDENTS

Judicial internship program; ABA Judicial Administration Division conveys commitment to minority law students

A L Burnett, Sr
93 AALS Nltr 2, April 1993, p 8
Reports on a special program of outreach to minority law students by encouraging all judge members of the Judicial Administration Division and all minority judges in America to provide internship experience in their chambers for at least one semester of law school.

Falling pass rates: why are so many ethnic minority students failing the bar exams?

F Bawden
142 New L J no 6574, p 1501
Reports on research by the English Council of Legal Education into claims that its examination system is hugely discriminatory against black candidates. Looks particularly at subjective assessments, eg video assessments.

Shop around for a legal education

Aust Financial Review, May 31, 1993, 21

Despite explosion in number of law faculties students do not appear to be shopping around for the best product. Questions whether law schools are equipping students for the services they will need to provide.