

tify a competitively oriented program of graduate training.

Law schools must produce creative and compassionate problem-solvers who can fill various roles in a rapidly evolving society. Lawyers need to know what the public expects and demands, and the public needs to know what lawyers realistically can achieve. Once crafted, this shared professional identity must inform every aspect of legal education. Service needs to be the central component. Lawyers have the honour and responsibility of helping their fellow humans in matters of great personal and social interest and importance.

Another way in which cohesion and meaning can be brought to the task of legal education is by developing a sense of common intellectual enterprise between faculty and students. This perspective can be cultivated in the same way it is now sustained in other graduate settings. In addition, the relationship between law study and practice must be reworked thoroughly. Perhaps the current configuration should be reversed. At present, law school begins as a purely academic experience, with students becoming progressively more involved in law practice as their training continues. Pedagogically, it would make much more sense to begin with an immersion experience in law practice so students would have a context for their classroom studies.

Here is a specific proposal for an alternative institutional configuration for the study of law. Its most significant curricular innovation would be the Practicum component. This would involve matching each first-year student with an attorney who is interested in contributing to the professional and intellectual development of his or her student. The second and third year would continue the

Practicum component. There would also be Legal Studies, Provision of Legal Services, and Legal Ethics and Professionalism. Provision of Legal Services would involve both a descriptive and normative inquiry into the delivery of dispute resolution services to the public.

The final reform that should be considered is the abolition of 'Law Review' — i.e. student-edited legal journals. Law review plays a significant role in creating the competitive and hierarchical character of law schools. With respect to the publication of scholarly work, graduate students patently lack the capacity to make informed judgments on the scholarly merit of submitted work.

Some movement in the direction of spiritual depth could be achieved within existing institutional confines. Our current legal order, on the other hand, simply assumes the legitimacy of self-interest in all its myriad manifestations, making lawyers and legal institutions the passive instruments for effectuating these interests. What sorts of institutional change would be required, however, is not at all clear. Perhaps what is needed is a change of heart, rather than a change in institutional structure. How can we best re-unite the law with our most fundamental spiritual insights?

MANDATORY CLE

Mandatory continuing legal education: 'imprisonment in the continuing professional education classroom?'

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Continuing professional education encompasses the formal and informal means of maintaining an existing

knowledge base by updating on changes and acquiring new knowledge connected to the practice of the professional in order to extend and amplify knowledge, sensitiveness or skills. Although there is no commonly accepted definition of a profession, the characteristics of a professional include a commitment to an ongoing process of self-education after initial training and the development and maintenance of critical thinking.

Ideally, as a professional one should be 'professional' and directed enough to undertake further training and education from an autonomous rather than compulsory position. Non-participation in voluntary continuing professional development programs is therefore indicative of failure by professionals to be 'professional'. Most professionals therefore acknowledge that initial compliance with professional admission requirements through undergraduate education does not suffice to practise indefinitely without a commitment to maintain standards and continue education through the professional life.

Properly trained professionals should be taught how to learn and continue to do so throughout their professional life as an important part of their undergraduate education by being introduced to the variety of ways in which practitioners deal with unfamiliar issues.

While both voluntary continuing legal education and MCLE aim to improve the quality of legal services, the objectives of each differ. Voluntary continuing legal education is usually advocated as a means of keeping up-to-date, while MCLE is promoted as a means of improving the competence and quality of performance. Voluntary continuing professional education is therefore what all profession-

als, with the exception of the 'rotten apples' will undertake.

The primary arguments in favour of MCLE include increased competency, promotion of an education habit, increased quantity and quality of programs and enhanced public image. Certainly many members of the profession would agree with the aim of increasing competency of the profession as a whole by requiring the 'rotten apples' to participate in MCLE programs. Concerning the promotion of an education habit, the fact is that many professionals do already participate in voluntary continuing professional education. Increased public demand for accountability in the professions and increased public criticism has meant that the professions have been forced to undertake public relations activities to enhance their public image. By mandating continuing professional education, the profession can hold itself out to the public as being committed to attempting to remain abreast of current developments and actively maintain its high standards.

It is difficult to evaluate the effectiveness of the expected learning outcome of MCLE in improving competence of professionals. Precise competency standards have not been identified. While there is some evidence from other professions that there is a link between mandatory continuing professional education and competence, there is little evidence regarding continuing legal education's effect on competence. A practising certificate is a representation to the public that a legal practitioner is competent to practise law. In order to ensure compliance, MCLE has been linked to the renewal of annual practising certificates. Unless a link between attendance at continuing legal education activities and in-

creased competence can be shown, it must be asked whether the failure of practitioners to comply with MCLE requirements is evidence of incompetence or only non-compliance and whether it is legitimate to deny non-complying practitioners the right to practise.

Participants in continuing professional education will of course be adult learners. An important characteristic of adult learners is that they adopt different learning styles. It is important for CLE programs to accommodate different learning styles and the way adults learn by implementing a variety of teaching methods and not just the traditional didactic lecture mode.

The difficulty with MCLE is that people cannot be forced to learn. The unwilling participant forced to attend will attend but not learn. Mandating learning is in direct opposition with established principles of adult teaching and learning. Furthermore, unwilling learners may have an adverse effect on the learning environment which invariably reduces the effectiveness of the educational experience.

Issues arising in relation to the quality of programs include control over and evaluation of continuing legal education providers and needs analysis in the development of course content. Providers of continuing legal education should be trained educators with particular expertise in the development of the content and processes essential for continued learning about and in law, taking into account the educational issues and economic and organisational problems arising as a result of compulsory education. Difficulties arise because continuing legal education is often performed by persons possessing high technical competence but inadequate

educational practice. As the main objective of MCLE is to improve competence and thus the quality of legal services, it has been suggested that MCLE programs should be developed after taking into account the needs of individual practitioners as well as those of clients.

Although learning is an individual responsibility and a lifelong process, MCLE has a role to play in assisting the practitioner in this process. The primary justification for imposing MCLE on practising lawyers is increased competence and quality of legal services. Although any MCLE scheme can only represent a minimum requirement to keep up-to-date and not all that may be required, a properly structured and regulated scheme has an important role to play in an increase in lawyer effectiveness and the public image of the legal profession. Certainly MCLE will not cure chronically negligent practitioners, but it will expose them to the possibility of learning.

RESEARCH

Student perceptions of teaching methods: an analysis of how perceptions can impact on the learning process

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Student perceptions of teaching methods are identified as but one variable in the dynamic and multi-faceted process of learning. Perceptions are the subjective component in the process, being the individual's own evaluations and beliefs about a particular method as distinct from its objective characteristics. The existence of common or shared student perceptions or an extreme divergence