sic framework, various elements can be examined in more detail. For instance, the board of directors merits close scrutiny. Executive pay is another topic which should be dealt with because it has in recent years received a great deal of attention. Politicians and the press have, for instance, had a great deal to say on the matter, primarily because concern exists that those who run public companies are being paid too much.

Since corporate governance has an important international dimension, ideally part of a course on the topic will be devoted to comparative issues. One objective of this exercise should be to make students aware that the issues which dominate discussion in the UK are not necessarily as pivotal elsewhere.

As corporate governance becomes better established as a suitable subject for academic study, interest in teaching a course on it may well grow. The publication of a student-orientated text would no doubt foster the process. Nevertheless, there is plenty of material currently available that could be used for instruction purposes.

LEGAL EDUCATION GENERALLY

Decline in the reform of law teaching?: the impact of policy reforms in tertiary education

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10 *Legal Educ Rev* 1, 1999, pp 109-140

Law as a discipline struggles as much as, or perhaps more than, any other discipline in its attempts to reconcile its close historic connections to professional practice with its current location in a university environment. Should law schools focus on producing graduate who are 'practice-ready' or make available a broad, contextual education for their students in line with academic standards of the wider university? The overarching issue in debates about legal education in Australia has been is: what is the nature of a university legal education? The key issue is: should law schools be driven by market requirements or by more idealistic educational values?

In posing this question marketing requirements are thrown into opposition with educational values. This may be a false dichotomy. It might be, and it probably ought to be, possible both to respond to the demands associated with being a service provider in a marketplace while keeping faith with the objectives of a broad and informed educational ideal.

Radical changes to government policy in higher education in the past 10 to 15 years have irreversibly altered the relationship between law schools and government, and between law schools and the Commonwealth in particular. In retrospect this shift can be seen to have begun with the Pearce Report, carried out as part of the Commonwealth Tertiary Education Commission's project to develop a system of reviews which would provide the government and the broader community with an assessment of the needs of higher education and the benefits of providing funding to the tertiary sector.

The Dawkins reforms aimed at aligning the higher education sector with broader economic aims and to move universities to a more market footing. Universities made a fundamental transition from universities as public funded institutions towards universities as service providers to a range of clients, including government, students, and industry (a process occurring elsewhere in the public sector at the same time and which has come to be known as 'commercialisation').

In an environment where universities had become dependent on undergraduate student numbers for a large part of their funding, the ability to attract undergraduates was critical. Law schools offered a 'cash-cow' opportunity to vice-chancellors. In this environment, it seems likely that the issue of what law schools should teach became secondary to the need to increase student places in law, whether or not the resources were there to teach law in the way Pearce and others had suggested it should be taught.

Two key, and apparently contradictory, themes emerge in reviewing law school responses to economic policy changes in the higher education sector over the last 10 to 15 years. The Dawkins and post-Dawkins shifts in tertiary education policy had the effect of both pressuring law schools to return to (some would say retain) a more 'legal practice' focus in the delivery of curriculum, while at the same time focusing them on the need to broaden the curriculum to accommodate a wider range of students with presumed diversified career interests.

Implicit in each of these themes (practice orientation and a liberal-arts focus) is the need to cater to student career intentions and with it a recognition of both the vocationalism emphasised by the Daw-kins reforms and the critical importance of students (and numbers of students) to law schools.

At the same time as law schools responded to the changing economic environment within which they found themselves, the private legal profession, or at least certain components of it, have moved to reassert or increase their influence on the law degree. In the first half of the 1990s the development by state admitting authorities of a set of compulsory subject areas required for admission to practice with uniform application throughout Australia effectively mandated the inclusion of those areas in all law school curricula.

In recent years a number of law schools have moved to integrate practical legal training into their degrees. Despite the essentially practical nature of PLT material, a significant number of law schools are now moving to include the practical legal component of their students' education in their undergraduate degrees, and have sought and obtained accreditation from admitting authorities. Graduates of these new degrees will be able to apply for admission immediately on completion of their degrees, without any further pre-admission training. This provides universities with an additional marketing point for their law programs, since students can complete their qualifications to practice-ready stage more quickly and within one institution.

The dramatic increase over the last 10 years in student places in law inevitably led to speculation that not all students could join the practising profession and that the profession would not have enough places to offer graduates. It became difficult for law schools to defend a traditional doctrinally based education on the ground that it was a necessary step on the path to legal practice. The right of the profession to dictate curriculum was questioned. By the mid-1990s the law degree began to be talked of as the 'new Arts degree', a generalist degree beneficial to students entering a broad range of careers where analytical skills and high-level oral and written language ability would be valued.

However, a recent empirical study suggests we may have to question whether repeated references to law as the 'new Arts degree' during the 1990s have concealed the continuing close connection between a law degree and practice as a professional lawyer. By far the largest percentage of graduates gain legal work of some kind.

Until the implementation of the Dawkins reforms, higher education cutbacks and the impact of commercialisation policies on the sector, a clear move was evident in law schools in Australia towards a liberal arts model of a law degree. The Pearce Report gave definition to this movement, suggesting law schools should (without ignoring black letter approaches), give more significance to critical and theoretical approaches. There is a second side to the impact of the last decade's education policy reforms on law schools in Australia. That side shows reinstitution of close connections between the profession and academics, the Law Council of Australia proposal for accreditation of law courses, and the increasing integration of PLT into degree programs. It shows students are consumers, paying for their education, who, it sometimes seems, do not want to hear anything but black letter law. If legal education in Australia is to continue to improve and innovate, it will need to find a way of living within the economic environment in which it now finds itself.

Coming of Age: recognising the importance of interdisciplinary education in law practice

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74 *Washington Law Review*, 1999, pp 319-366

In an increasingly complex world, lawyers will need to expand their traditional approaches to problem solving if they are to be of real service to their clients. The role of law schools will be to train new lawyers to be creative problem solvers. Courses in client counselling and mediation have long recognised that people are not one-dimensional and neither are their problems. When teaching these courses, law professors emphasise non-legal concerns that clients may have. All aspects of a problem influence each other and attempting to deal solely with the legal aspect is a band-aid approach to problem solving.

Society cannot expect lawyers to have the knowledge or skills that would allow them to identify each aspect of, and certainly not solve, problems from a multi-dimensional perspective. However, it can expect lawyers to know how to work with people who together have the knowledge and skills required to assist a client in this way.

The first task is to define or describe creative problem solving. It may be that attempts at definition must paradoxically fail – that once confined to a definition, the concept no longer permits creativity. It conveys a sense of doing something new, fresh, original and 'out of the box'. For lawyers, creative problem solving might mean looking at problems in new ways – different from the traditional classification of problems into legal categories, such as torts and contracts, and looking for new solutions that might stretch beyond the traditional boundaries of what lawyers do.

Does creative problem solving take lawyers beyond the traditional boundaries of the profession? Professional education necessitates training that narrows and specialises. Law students learn to see their clients' problems as legal problems. One of the fundamental shortcomings of traditional lawyering, at least as taught in law school, is an inability to define problems in their broad and multidisciplinary respects. If lawyers should solve only legal problems, it is crucial to ask first who will be defining the problem. If a lawyer defines the problem, he or she will probably define it as a legal problem. If lawyers are to do something new, 'out of the box', we need to be able to define problems in more expansive ways, as creative problem solvers, and not be confined to solving merely what are traditionally defined as 'legal' problems. The extent of 'problem coverage' becomes less problematic when viewed in the context of interdisciplinary teamwork and collaboration. Only by working with professionals from other disciplines can we actually begin to see all the puzzle pieces that make up the complex picture of a problem.

To achieve the best results for clients, lawyers need to have access to resources and solutions beyond those they traditionally use. One important resource is the ability to collaborate with professionals from other disciplines so that their approaches to a particular problem can assist in creating a solution for the client. Lawyers will need to learn to be professionals at organising, leading, coordinating, inspiring, participating in, and facilitating teams of helpers trained to approach clients' problems from a variety of disciplinary perspectives. The solutions might not be traditional legal measures if non-traditional measures are in the client's best interest. The lawyer cannot serve the client by assuming that the problem is only, or even primarily, a legal problem.

Assuming that effective interdisciplinary work is a component of creative problem solving, what is it that keeps lawyers from performing well in interdisciplinary collaborative settings? First, the fact that disciplines are akin to cultures and that cultural ignorance and misunderstandings abound between disciplines, much as they do between cultural groups. Second, the lack of explicit training in communication and other collaboration skills. Third, the competitive and narrow nature of law school and law practice environments.