

## OTHER DISCIPLINES & PROFESSIONS

[no material in this edition]

## PERSONALIA

[no material in this edition]

## PLANNING AND DEVELOPMENT

### The future of law degrees

W Wilson

90/29 *Law Socy Gaz* 28 July 1993, p 34

The intellectual skills necessary to become a good lawyer are examined in the context of academic law courses. A distinction is made between the purpose of law schools and professional skills training. The clinical legal education program at the law department at Brunel, the University of West London, is discussed as a system which allows students to acquire first hand knowledge and experience of the legal system in operation.

### Lawyers to spare

J Faine

*Aust Lawyer* September 1993 p 24

Discusses the number of law students currently entering universities, and the ambition of most students to work in the legal profession. Notes that while there is increasing numbers of unemployed law graduates there is simultaneously "clients desperate for legal services but not getting them". Questions who is responsible for allowing so many law students to enter universities, the proliferation of new law faculties, and whether these new law students will be exposed to an adequate standard of teaching.

Two special committee reports are available from the Association of American Law Schools. One is on **tenure and the tenure process**. It is a snapshot of tenure standards and procedures in American law schools today. It can be found in 42 *Journal of Legal Education* 4 [digested in this edition under "Teachers"]. The other report is on the **Ethical and Professional Responsibilities of Law Professors**. It is available from the AALS.

## POSTGRADUATE PROGRAMS

[no material in this edition]

## PRACTICAL TRAINING

### The Certificate in Legal Practice Course

S S Faruqi

*Legal Education in Malaysia - Quo Vadis?* 1993, pp 77-99

Describes the Malaysian Certificate in Legal Practice (CLP) course which enables overseas graduates who possess and "academic" law degree to become qualified for call to the Bar. The author first considers the aims of legal education, and then discusses the prior legal education of applicants to the CLP. He then describes the course in some detail, and discusses the question of retraining of all future Malaysian lawyers who study abroad. He also discusses questions of whether the course should be vocational or academic, the possibility of a common fourth year, and entry qualifications for the CLP.

### Training of lawyers in Victoria

C Bartlett

*Law Inst J* May 1993 p 348

The author outlines the widening gap between the number of graduates seeking admission in Victoria and the availability of training places in either articles of clerkship or the Leo Cussen practical training course. The cyclical nature of the employment market is discussed and the possibility of alternative careers and postgraduate study is raised.

### Articled Clerks Scheme Rules for 1993

20 *Brief* 3 April 1993 p 39

Sets out rules of the scheme.

### Testing times

E Gilvarry

90/27 *Law Socy Gaz* 14 July 1993 p 10

The growing shortage of training places for aspiring solicitors in Britain is discussed with Roger Jones, chairman of the Law Society's training committee. Jones outlines the Law Society's open-market policy and its refusal to tamper with the numbers in response to current economic conditions. He also mentions possible competition law implications that have been raised by the Office of Fair Trading.

The author then foreshadows the establishment of a special committee to tackle the issue and discusses possible options, which include the abolition of

articles, the shortening of articles and bringing forward the point of qualification. Particular mention is made of the institution-based training currently in place in New South Wales.

### A question of training

R Smith

90/19 *Law Socy Gaz* 19 May 1993 p 4

The author discusses the current bottleneck of British law graduates seeking to find training in solicitors' offices. A review is made of the existing system, and projections made regarding the numbers seeking vocational training in the future. The author postulates possible responses to the bottleneck, which include doing nothing or reducing the training period necessary to qualify. However, the preferred option of the author is to abolish articles in favour of automatic qualification with some restriction on practice. This approach is considered fairer in that, amongst other factors, it would offer graduates a "more marketable qualification". It is acknowledged that this will unavoidably create a class of non-practising solicitors but the author believes this is a profile of the profession we should begin planning for.

### Trainees' trooper

J Ames

90/21 *Law Socy Gaz* (2 June 1993) p 9

The article is an interview with John Balsdon, the Chairman of the Trainee Solicitors Group. Discusses the financial and social implications of the articulated clerk based training in Britain. Balsdon suggests that the legal profession is slipping back into being an occupation for the rich, and that the current system, of discretionary grants linked to training, places a "financial pre-qualification test" in front of law students.

### Practical legal training could mitigate legal aid cut backs

J Goldring

31 *L Socy J* 6, July 1993, p 6

Letter to the editor: The author suggests that the profession's desire to increase the "hands on" experience of law graduates may be solved by the introduction of in-service training in legal aid centres.

Discusses the Australian experience with the articulated clerkship system, and it is suggested that prior experience has shown that the system is potentially discriminatory and unsatisfactory as a method of practical training. As an alternative a model used in Caribbean countries is discussed, where students couple their practical legal training with service in the legal aid services of the

region. It is further suggested that such a model may also meet the community's needs for greater access to legal aid which is "virtually inaccessible to ordinary citizens in New South Wales".

#### Options for practical legal training

J Marsden

4 *L Socy J* August 1993 p 4

Letter to the editor. The author replies to the article of Professor Goldring in the *Law Society Journal* of July 1993, arguing that many students may be denied access to practical legal training if it is limited to service in legal aid centres. It is suggested that there are a greater range of positions and experiences available in private, government and corporate practice and the relatively small number of legal aid centres alone could not accommodate the numbers of students requiring training.

#### Entry level preconditions in substantive law for students commencing (The College of law) PLT

K Winsor

10 *J Prof L Educ* 1, pp 57-81

\* This article reports on a project which is the first stage of a proposed three stage study into entry level knowledge of students undertaking the New South Wales College of Law Course [a post-graduation pre-admission practical training course].

It explores some of the problems apparent when comparison is made of students' actual legal knowledge at the time of entry with College expectations and assumptions. College staff perceptions and close curriculum analysis suggested a need to create more concrete criteria of College preconditions. From questionnaire answers, comparison was made between the perceptions which samples of entrants to two College courses had towards their entry level knowledge in College subjects, and the scope of those subjects studied at undergraduate level. This exercise produced lists of those undergraduate subjects roughly relevant to College subjects. These lists in turn provide areas for further enquiry, both from students about the subjects for which they have a need, and from institutions, as to what specifically the subjects comprised.

Students in a later course gave perceptions of their degree of adequacy to commence the College course, which produced indications of uncertainty on their parts as to either the College preconditions or the nature of the Course. These findings were compared with College staff perceptions about time taken for early remedial

teaching and the desirability of integrating students' existing skills into the College curriculum. A number of conclusions was reached.

Final comparisons of students' knowledge and College preconditions will enable decisions to be made about bridging courses and optional subjects in any new College curriculum.

#### The practical experience component of the proposed Professional Program in New South Wales

C Roper

10 *J Prof L Educ* 2, pp 235-260

The article records the resolution of the New South Wales Law Society to re-introduce practical experience as a pre-admission requirement. It develops a statement of the essence or essential elements of work experience. It then outlines the history of events leading up to the abolition of articles and the subsequent reviews of legal education. It then briefly considers the requirements in regard to practical experience in other jurisdictions and professions. It then states the proposed required, with brief commentary. Finally particular problems and issues which arise from the new requirement are discussed.

#### The practical training component of the proposed Professional Program in New South Wales

N Carter

10 *J Prof L Educ* 2, pp 261-284

The article states and discusses the rationale and aim of the course of practical training under the proposed Professional Program. It sets out a schema for organisation of course objectives which was the design tool used in developing the new course. It then outlines the continuing practical training component which will be provided during practical experience.

#### Alternative dispute resolving in practical legal training - too little, too late?

S Carr-Gregg

10 *J Prof L Educ* 1, pp 23-41

\* This article analysis the role of alternative dispute resolution (ADR) in the lawyering process, a role which contrasts with the historical litigious focus of undergraduate legal education. It discusses whether ADR should be taught to law students, how much and in what phase of legal education.

The author concludes that it is appropriate to teach ADR in the practical legal training (PLT) phase primarily because the content and method are in sympathy with other areas of PLT: the teaching style needed is

already offered in PLT courses; teaching ADR enhances other PLT teaching and the proximity to practice increases the impact of ADR teaching.

#### Articles of clerkship - Council recommendations

*Proctor* Jan/Feb 1993, p 8

An outline of the conditions of employment of articulated clerks in 1993 as recommended by the Council of the Queensland Law Society.

#### PLT and the winds of change

*Bulletin SA* April 1993, p 7

Discusses the funding crisis facing South Australia's Graduate Diploma Course in Legal Practice, and the change to a twice yearly intake to accommodate the predicted number of South Australian law graduates. The impact of the mutual recognition legislation is also discussed in the context of practical legal training and admission standards.

#### Time to bite the bullet on legal education

14 *Bulletin SA* 11, p 5

The editorial writer discusses the problems facing law students and the profession with respect to practical legal training. It is acknowledged that the culmination of such factors as the growing numbers of law students, mutual recognition, national admission and a decline in the funds available from the Guarantee Fund will all contribute to the need for tough solutions in the near future. Options canvassed include; cutting intake numbers to the universities, addressing the expectations of those entering the study of law, pressuring universities into introducing practical training into undergraduate programs, and restructuring the current practical training program. Supervised practical work is discussed but dismissed as an unrealistic option in the current economic climate.

## PURPOSE

#### Too many cooks? Do we need more law schools?

67 *Law Inst J* May 1993, p 349

The chairman of a national law firm and the dean of one of Australia's newest law schools respond to questions regarding the number of new law schools and their role in the training of lawyers for the profession.