

legal education, the Association of American Law Schools and the ABA Section of Legal Education and Admissions to the Bar have joined together to form the Commission on Financing of Legal Education: Balancing Mission and Resources. The charge to the commission is to consider all issues regarding financing of legal education, from budgeting and intra-university relations to development and loan forgiveness, and to prepare a report with recommendations to help law schools to resolve the difficult questions they face. It is hoped that the report will be completed by late 1995.

GOVERNANCE

Higher Education Act regulations issued

J P White

XXV *Syllabus* 2, Spring 1994, p 2

Reports on the issue of proposed regulations governing the recognition of accrediting agencies. The Council of the ABA Section of Legal Education and Admissions to the Bar is the recognised accrediting agency for "professional schools of law". The purpose of the recognition is to assure that accrediting agencies are reliable authorities as to the quality of education or training offered by institutions or programs they accredit. Concerns have been voiced that the proposed regulations may exceed statutory authority, that they place an extraordinary data collection and reporting burden on accrediting agencies, and that they lack basic due process protections that will assure fair treatment of institutions. Article lists the areas in which an accrediting agency must have standards, such as curricula and faculty.

The author states that a frequent concern is that the accrediting agencies will become increasingly concerned with regulatory measures of institutional performance and less focussed on their traditional role of helping to improve the quality of individual schools by means of analytical self-studies and peer review.

HISTORY

[no material in this edition]

INDIVIDUAL SUBJECTS/AREAS OF LAW

Educating for professional competence in the twenty-first century: educational reform at Chicago-Kent College of Law

G S Laser

68 *Chi-Kent L Rev*, 1992, pp 243-290

A new educational program, "Dispute Resolution: Litigation and its Alternatives" is in place at the Chicago-Kent College of Law. The curriculum includes not only legal doctrine, skills and values but also the "art of lawyering". This is the knowledge needed to apply law in practice and is best taught through live-client clinical education in a realistic setting. Students engage in performance reviews with clinical professors with the aim of becoming reflective practitioners. The new program is a work-in-progress which may need improving but is a beginning.

Raising personal identification issues of class, race, gender, sexual orientation, physical disability and age in lawyering courses

B O Hing

45 *Stan L Rev* 6, July 1993, pp 1807-1833

To be an effective community lawyer, sensitivity to class, race, gender, sexual orientation, physical disability and age (personal identification) must be developed so that the lawyer-client relationship does not become an other subordinating experience for the client. Stanford Law School's Law and Social Change curriculum is composed of three courses that address personal identification (PI) issues. In the Lawyering Process for Social Change course familiarity with PI issues is generated by conducting a biographical interview of each student, use of materials that investigate how PI differences between lawyers and the community affect the client-attorney

relationship, and use of videotaped hypothetical interviews.

In the Immigration Clinic course students are required to represent real clients who are facing deportation proceedings and to engage in a community education project related to immigration and so acquiring an understanding of PI issues first hand. Students are required to keep a journal of their experiences and reflections at the Immigration Clinic. The Asian Pacific Americans and the Law course provides a background for students who are interested in lawyering in an Asian Pacific American community. PI issues are initially addressed in the second class and then as opportunities arise. At the conclusion of the courses students display a higher than average retention of knowledge of the issue covered in the course.

For non-live clinical courses use of believable hypotheticals, major news events of the day, videotaped footage of the relevant underprivileged communities, student experiences and reflective student journals are recommended.

INHOUSE CLE

Designing and running continuing education programs in a private law firm

A Blunden

paper presented at the 10th Commonwealth Law Conference

With the rapid growth in size of law firms in the 1980s came the need for increasing continuing education; lawyers had to be trained quickly and be kept up to date. In the 1990s there has not been enough work to provide good on-the-job experience, consequently formal training in firms has remained necessary for the development of skills and is cheaper in the long run than the slow process of learning through experience. Training through the use of external seminars, however, is not enough - in-house CLE is necessary for the development of lawyers and management of firms. In-house programs cover substantive law,

legal practice, skills and practice management. The emphasis now is not only on technical skills but on maintaining continuing relationships with clients. The programs may include lectures, workshops, practical fact situations and learning through the doing of supervised work.

Skills training for lawyers in a CLE context

L Tan
[see Skills]

INSTITUTIONS & ORGANISATIONS

[no material in this edition]

JUDICIAL EDUCATION

[no material in this edition]

LEGAL EDUCATION GENERALLY

Australian law schools after the 1987 Pearce Report

C McInnes & S Marginson
Department of Employment, Education & Training, Canberra, 1994 *
[available from Australian Government Bookshops]

The 1987 Pearce Report on Australian law schools was a major review of the discipline of law, conducted for the Commonwealth Government, the first of several such discipline reviews in the second half of the 1980s. The Pearce Committee (chaired by Professor Denis Pearce of the Australian National University), examined the then 12 university-based law schools and published four volumes of textual discussion, 48 recommendations to government, and 64 suggestions to the higher education institutions.

In late 1992 the Department of Employment Education & Training commissioned this impact study in order to evaluate the effects, efficiency and effectiveness of the 1987 discipline review. The study included a literature and document search, a survey of all current law schools and detailed case

studies of nine pre-1987 schools and two new schools. The impact study followed unprecedented changes in higher education and growth in law, the number of law schools and law students has doubled since 1987. These circumstances made it more than usually difficult to tease out the effects of the Pearce Report from other influences.

The overall finding is that the impact of the Pearce Report was considerable, although no greater than concurrent factors such as the 1988 "Dawkins revolution" in higher education. Some of the Report's proposals directly contributed to improvements. There was a discernible and mostly strong response in those schools where the Committee had identified major weaknesses. Its emphasis on library standards influenced law library development, it generated critical reflection on the nature and content of courses and a commitment to skill development and quality teaching. It also encouraged small group teaching (although many schools report that deteriorating student:staff ratios have undermined this). It drew attention to the achievements of the modernising "second wave" law schools.

In other respects the Report was less successful. Its opposition to new law schools, and the proposed limitations on masters' courses, were overturned by events. It failed to achieve a lasting improvement in recurrent resources; law remains significantly underfunded. The increase in research activity since 1987 owes more to the establishment of the Australian Research Council system than to the Pearce Report. The suggestion that Macquarie University law school might be closed was misplaced and achieved little good. The report failed to really grasp the value of diversity between schools, although the discussion it generated and the model it favoured contributed to the post-1987 innovations in law.

"The modern discourses of critical theory have not only sought to exclude others from their debates but have contributed little to the debate of substantive legal issues."

R A Epstein

Perhaps most important, the Pearce Report generated a climate of debate, discussion, critical thinking, self-evaluation and continuous improvement which has served law schools well since 1987 - especially given that such an approach has become mandatory throughout higher education. In this respect some of the best effects of the discipline review were unintended ones: the Report helped prepare the schools for changes it could not itself have anticipated. The Pearce Committee process also fostered a collective identity and greater co-operation between deans of law.

These achievements suggest that discipline-based reviews have a useful role to play in improving the work of individual schools, particularly in raising awareness about teaching, curriculum and scholarship, and in building a culture of reflection and self-evaluation. Discipline reviews are less successful in securing external accountability although they are an important source of information on which to make judgements. As some of the fall-out from the Pearce Report shows, these positive effects may be undermined by the tendency of make comparisons between often very different institutions, especially given the current emphasis on "league table" rankings. Any future discipline reviews would need to be carefully distinguished from quality assurance processes. The goal of discipline reviews is to improve the whole "map" of the discipline, not to sort out a pecking order. It is essential that such reviews are pursued cooperatively.

The experience of the Impact Study suggests that shorter discipline reviews might now be more cost effective. While not setting out to replicate the Pearce Committee's brief or its work,